Placing Children At Risk:
Questionable Psychologists And Therapists In The Sacramento Family Court And Surrounding Counties

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May 15, 2000

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NOTE TO THE READER

The following report was commissioned as an important step toward correcting abuses that exist in the Family Courts in Sacramento and the surrounding counties. The Justice Seekers Inc., was formed in response to a growing public concern about the Family Court systems, nationwide. The organization has the following stated goals:

✓ To encourage public awareness of the ethics, practices, and decision-making policies in the state civil courts that affect families.

✓ To provide information and research to help consumers, families, and litigants guard their interests and protect their rights in family law cases.

✓ To create a better informed citizenry who will then be in a position to demand more accountability from the judiciary branch of government.

✓ To protect children from potential harm due to unprofessional conduct, and questionable or unscrupulous practices in the courts.

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INTRODUCTION

In June of 1996, The Sacramento County Civil Grand Jury made an official recommendation to remove child sexual abuse cases from jurisdiction of the Sacramento Family Court. The Grand Jury found that children were not being adequately protected. The report's authors stated:

> When the child's mother is within the jurisdiction of the Family Court, any allegations of sexual child abuse and subsequent denials become part of the record in the dissolution proceedings; however, protection of the child may not be the paramount consideration in this setting. . . .
>
> A number of cases reviewed by the Grand Jury reflect the fact that Family Court is ill-suited to hear issues involving allegations of incest, regardless of its jurisdictional capability to decide custody issues. In Juvenile Court the County Counsel aggressively represents [Child Protective Services] C.P.S. and, in effect, the abused child, in presenting evidence collected by its investigators. On the other hand, Family Court may decline to hear evidence prepared by C.P.S. even when its records have been placed under subpoena.

The Grand Jury's recommendation to remove cases from the jurisdiction of Family Court was not implemented. Since the Grand Jury's report, the controversy has deepened as more children alleging abuse have been processed through the Family Court, only to be court-ordered to live with the alleged molester/parent, and placed at further risk of trauma and injury.

In an effort to shed light on the problems, a private, nonprofit organization, The California Protective Parents Association based in Davis, California, commissioned this author in February, 2000, to investigate the conduct of three evaluators, Dr. Sidney Nelson **(Ex 1)** and Dr. Jeffrey Miller, **(Ex 2)** (who work out of Scripps Psychological Associates, Inc., located in Sacramento), and Dr. Larry Leatham, Ph.D. He works as a county-paid evaluator for the Amador County Superior Court. These psychologists evaluate families and serve as expert witnesses in Family Court in child custody cases.

Additionally, the California Protective Parents' Association was concerned with a Sacramento Court judge, and a psychotherapist, Marsha

Nohl, M.A., M.F.C.C. Nohl receives lucrative business from the courts. Nohl is executive director of a nonprofit treatment center, Associated Family Therapy for Effective Recovery, known as A.F.T.E.R. /Parents United, located in Sacramento. The agency receives much court-referred business, treating sexual molesters, their victims, and families of the victims; and those who've committed other crimes such as driving under the influence. Family Court judges presiding on child abuse cases often order both the victims and parent/perpetrators to attend Nohl's nonprofit treatment center.

Every opportunity was made to interview the individuals named above, for their responses. Dr. Nelson briefly spoke with this author, to arrange for an interview. But the following day, through an intermediary, Dr. Nelson abruptly canceled the scheduled interview appointment. Dr. Larry Leatham was repeatedly contacted, but did not respond. Dr. Miller did not respond to a call and e-mail request for an interview. Marsha Nohl, M.A., M.F.C.C. responded, through her attorney, and her responses are included in this report.

Background

In 1995, the Sacramento County Civil Grand Jury received a citizens' complaint with 250 signatures from community residents who were concerned over the failure of Sacramento county to protect children in several cases alleging child sexual abuse. Dr. Sidney Nelson's written psychological evaluations in five separate custody cases were brought to the attention of the Grand Jury, according to litigants interviewed for this report. The Sacramento Grand Jury took a 19-member vote and decided to investigate. Jurors investigated, but they did not name Dr. Nelson in their report. Their findings, however, drew negative conclusions about relying on a diagnosis called "parental alienation syndrome" (P.A.S.), that has been widely discredited by the mainstream mental health establishment. Dr. Nelson used this discredited diagnosis on which to base his findings in at least four of the cases. (The fifth written evaluation was unavailable to this author.) "Often, an expert witness testified before the Family Court that the mother exhibited the symptoms of 'parental alienation syndrome' a theory without acceptance in the psychology profession and unsupported by empirical study," the Grand Jury report stated.

Dr. Nelson, Dr. Miller, Dr. Leatham, and Ms. Nohl are perceived by some child advocates to side with alleged molester/parents, at the expense of children. These individuals espouse the discredited theory known as "parental alienation syndrome" which cuts in two directions: it routinely questions the veracity of the charges -- and in a less overt way, downplays the gravity of sexual assaults on children. According to the theory behind P.A.S., a child is programmed by one parent, usually the mother, to hate the other parent, usually

the father, because the mother is angry at the father. Dr. Richard Gardner, a New Jersey psychiatrist who conceived this untested theory, P.A.S., also developed the related hypothesis that when an allegation of child sexual abuse is raised in divorce proceedings, the mothers are getting the children to say they are abused so that they can deprive the fathers of visitation or custody. The only remedy, in Dr. Gardner's view, is to give custody of the children to the alleged abuser. Beyond a knee-jerk approach to accusations of child sexual abuse, some leading proponents of P.A.S. have also questioned whether incest and pedophila should be considered serious offenses. See page 25.

Conclusions

The perception that some court-appointed individuals who are supposed to maintain neutrality, allegedly side with alleged molester/parents, might seem far-fetched. But as this report demonstrates in later pages, the P.A.S. theory is intertwined with what have been called pedophile-friendly views.
Such views are deeply entrenched in the Sacramento court system and surrounding areas and coincide with the lack of enforcement of penal laws on child sexual assault. Those professionals routinely tout the position that many mothers are "hysterical" and "coach" their children to fabricate sexual abuse charges; the professionals' approach is to hide or downplay the actual evidence of abuse. According to national experts on child sex abuse, "coaching" takes place in very few cases, and their views are backed by numerous, documented scientific studies. Nevertheless, the evaluators and psychotherapists named in this report, espousing these maverick views, exert much influence in the local Sacramento court and surrounding counties. That they appear to have an agenda is cause for concern.

This report will also show that the psychological evaluations produced for the courts were so flawed and skewed in many cases, that they amounted to hoaxes perpetrated on the litigants and on the judges deciding the outcomes. In each of these cases examined in the report, the evaluator's testimony as expert witness was the linchpin in deciding the outcome of the case.

In the Family Court in Sacramento, psychologist Dr. Sidney Nelson seemed to show a pattern of breaching professionals ethics and misleading judges on numerous occasions. By repeatedly using the P.A.S. allegation/theory in his evaluations, which serves to discredit the mother, he would recommend custody or unsupervised visits to the alleged abuser/parent, in a seeming effort to portray the alleged abusers favorably at the expense of the children. His professional partner, Dr. Jeffrey Miller, showed the same pattern, in a smaller number of cases examined.

The pattern of misleading statements contained in the numerous reports that Dr. Nelson wrote, and that the courts then used to base their custody

decisions, can not be construed as mere incompetence on Dr. Nelson's part -- that he didn't know any better. Dr. Nelson holds a special expertise in the ethics of psychologists. In addition to his work through the courts, Dr. Nelson is paid by the state to review ethics complaints against psychologists for the California Board of Psychology, the agency that disciplines psychologists for ethical violations. The Board of Psychology is a subdivision of California's Department of Consumer Affairs. "We have used him and he is currently on the list of expert case reviewers," acknowledged Kathi Burns, an enforcement analyst for the Board of Psychology. Burns said reviewers charge by the hour for their services.

Questions about the conduct of Marsha Nohl , M.A., M.F.C.C and Dr. Larry Leatham

This author also found questionable ethical conduct by psychotherapist Marsha Nohl M.A., M.F.C.C. who served as a court-referred psychotherapist and overseer supervisor in several cases discussed in this report. The perception shared among some litigants and child advocates is that Nohl's practices are questionable, that she allegedly sympathizes with molesters to the detriment of the victim's families, and wields considerable clout with judges. "She had a problem with me because I don't like molesters," said one mother, Karen Pardee, who was required to attend treatments with her daughter, the victim of abuse, at Nohl's program. Nohl was also treating the father, who had molested the child, according to the findings of a Child Protective Service report. Nohl wrote letters critical of Pardee, accusing her of "alienating" the child from her father.

When asked to respond to allegations that she does not maintain neutrality, Marsha Nohl stated: "I am not willing to comment on unattributed allegations nor comment on such a provocative statement. I do not 'side' with any person. Our agency does treat molesters, which I believe is preferable to not treating molesters."

Questions about Nohl's financial dealings involving Medi-Cal reimbursements will be examined in later pages. In her statement, Nohl denied any alleged improprieties. It must be emphasized that the conduct of the individual psychotherapists who work under Nohl's direction is not at issue in this report, and there are no problems involving them that have been reported or identified.

Dr. Larry Leatham, Ph.D., who receives county funding to conduct evaluations in Amador County, was brought up on charges of "gross negligence" by the state Attorney General's office, in a child sexual abuse case. In his defense papers filed with the Board of Psychology, Dr.Leatham later stated he conducted only a partial investigation into whether a father allegedly sexually abused his two young daughters. In 1999, Dr. Leatham waived his

legal right to challenge the gross negligence charges against him. If he had not done so, he would have faced a full administrative hearing, and possible loss of his license.

This author investigated but could not make any conclusions about the judge in some of these cases whose conduct was thought to be in question. Based on limited available information, and the limited scope of this investigation, it was inconclusive whether the judge, who shall remain unnamed, made a few egregious, albeit tragic misguided decisions, or whether his rulings represented a possible pattern of misconduct.

Summary of findings

This author found the following patterns of inaccuracies and misleading statements in several written evaluations of Dr. Nelson and Dr. Miller. The same findings apply to Dr. Leatham in the Hoverson case. These three psychologists created untruthful interpretations, and misrepresented the case material in the following various ways:

- They stated positions as facts when there is no evidence to substantiate their claims
- They ignored contrary evidence
- They used selective information
- They extrapolated beyond the limitations of the data
- They left crucial information out of their reports
- Their conclusions were inconsistent, contradictory, and didn't match their assessments

In just one out of numerous examples in which Dr. Nelson apparently misrepresented the truth in his evaluation, Dr. Nelson reviewed a previous psychologist's findings, that of Dr. Bruce Ebert, Ph.D., J.D., who is both a lawyer and a forensic psychologist in Sacramento. In reviewing the documents, this report found that Dr. Nelson stated the *opposite* of what Dr. Ebert actually wrote in his report. Dr. Nelson stated that Dr. Ebert was "unclear" about determining whether the father had a "current" drinking problem (which would favor the father, in his push to seek unsupervised visitation with his child). But according to the Dr. Ebert's own document , this author found that Dr. Ebert was concerned about the father's*current* drinking problem.

Additional findings of this report about the evaluators and psychotherapist:

- They violated professional standards for forensic and custody evaluators [1] [2]

- They were not acting in a neutral capacity, contrary to their stated, official roles

- All the inaccuracies and distortions appeared to be on one side, serving to strengthen the case against the parent who was trying to protect the child from the alleged abuse

- Certain evaluators and psychotherapists continue to use the false diagnosis on parents known as "parental alienation syndrome" (P.A.S.), which is not legitimate, according to mainstream mental health authorities. The Grand Jury decried its use back in 1996.

- According to several sources interviewed from the Sacramento area, the word "syndrome" is now being omitted from the term, "parental alienation syndrome" by its proponents because of the controversy in the mental health field over the scientific basis for calling something a syndrome, without adequate research. For example, in the ongoing case of Tornes v. Brown, Dr. Nelson accused the mother, Monika Tornes, of possible future alienation of her child, which could create a "parental alienation situation," according to Dr. Nelson's written report, which was completed in 1999. Examples from most of his earlier reports from 1994, 1995, 1996, all refer to "parental alienation

[1] The American Psychological Association's Guidelines for Child Custody Evaluations in Divorce state that, "Recommendations, if any, are based on what is in the best psychological interests of the child." The guidelines continue: " If the psychologist does choose to make custody recommendations, these recommendations should be derived from sound psychological data and must be based on the best interests of the child in the particular case. [emphasis supplied.] Recommendations are based on articulated assumptions, data, interpretations, and inferences based upon established professional and scientific standards. Psychologists guard against relying on their own biases or unsupported beliefs in rendering opinions in particular cases."

The A.P.A.'s Ethical Principles of Psychologists and Code of Conduct, Section 7.02 , Forensic Assessments, state: "(a) Psychologists' forensic assessments, recommendations, and reports are based on information and techniques (including personal interviews of the individual, when appropriate) sufficient to provide appropriate substantiation for their findings. . . . Psychologists rely on scientifically and professionally derived knowledge when making scientific or professional judgments or when engaging in scholarly or professional endeavors. (See also Standards 1.03, Professional and Scientific Relationship; 1.23, Documentation of Professional and Scientific Work; 2.01, Evaluation, Diagnosis, and Interventions in Professional Context; and 2.05, Interpreting Assessment Results.)1.06 Basis for Scientific and Professional Judgments.)"

syndrome." Other examples abound: Larry Nicholas, an evaluator in Sacramento, advertises that he is a specialist in "parental alienation." **(Ex 3)**. But, as the Grand Jury found in 1996, the problem isn't just that professionals were calling "parental alienation" a syndrome, but that they were using it to downplay the veracity of genuine charges of abuse.

- Through misleading, deceptive evaluations, the evaluators steered the cases to favor the abusers, and judges unknowingly, or in some cases, perhaps knowingly, went along, placing the child with the alleged perpetrator/parent, or allowing the perpetrator/parent unsupervised access to the child.

- Unsuspecting mothers and children fell prey to these questionable evaluators and psychotherapists because there are no adequate oversight mechanisms to keep dangerous evaluators out of the courts.

- Without adequate oversight or accountability, the system creates a wide opportunity for unprofessional, unethical conduct by court-appointed individuals, and judges, that goes undetected under the guise of rulings and law.

Summary of recommendations

✔ To create a statewide Grand Jury that would be empowered to investigate child abuse charges and make determinations in cases. A special set of checks and balances on this Grand Jury would eliminate the possibility of cronyism, special agendas, and the use of junk science.

✔ To establish a hotline for whistleblowers who work at Child Protective Services, A.F.T.E.R.,/Parents United or related agencies, to come forward with information for authorities, without fear of retribution.

✔ To immediately remove Dr. Nelson, Dr. Miller, Dr. Leatham, and Ms. Nohl from the lists of court-approved referrals.

✔ To study the dispositions of child sexual abuse cases in Family Court, and criminal court by all the evaluators and judges named in this report, with a special mission to report back on the findings within three months. This review should be conducted on an urgent basis with the goal of assessing whether children are continuing to be at risk or are actually suffering from sexual assault.

✔ Federal authorities should investigate Dr. Nelson, Dr. Miller, Dr.

Leatham, and Ms. Nohl to see whether their actions constituted possible criminal conspiracies or collusion with the alleged molester/parents.

✔ Authorities should conduct a financial audit of A.F.T.E.R./Parents United, in Sacramento.

SECTION ONE: THE COURT EVALUATION PROCESS, AND PROBLEMS THAT SPRING FROM CURRENT COURT PRACTICES

How the evaluation process works in Family Court

When a child is at risk of being physically or sexually harmed by a parent, and that child's parents are either separated, divorcing or divorced, the case typically is heard in FamilyCourt. One of the first steps the judge takes is to order a psychological evaluation of the family. When psychological examinations are court-ordered in Sacramento, the trial court judge will pick an evaluator from a panel of "experts" that are pre-approved by the Presiding Judge at that court. Or, if both parents' lawyers agree on the evaluator from the approved list, they may make that request to the judge, who will then approve their selection. The judge also may order psychotherapy for the sexual abuse victims and for the offenders.

There are a plethora of laws on the books to protect children from sexual assault. But the lawyers and judges in decision-making positions in the Family Court system have instituted some specific customs and practices, documented below, that do not serve the interest of children or families who need protection. These court customs and practices primarily benefit pedophiles and incest offenders, at the expense of the children.

Problem One

Lucrative benefits for a select few

The psychologists or mental health professionals who work as evaluators are a select few who receive lucrative business from the court. Although the court-approved evaluator list in Sacramento contains about 20 names on it, only a handful of people receive court appointments as evaluators, and benefit financially, according to Frank Dougherty, Ph.D., J.D., who is both a Sacramento lawyer and a forensic psychologist with extensive experience as a court-approved evaluator in the Sacramento Family Court. [3] He noted that evaluations are costly. Parents are both responsible for paying for the evaluation fees and the cost can range from $5,000 to $10,000 or considerably higher, according to Frank Dougherty.

Frank Dougherty noted that there are many qualified psychologists who are on the list but who are not selected, mainly because the judge and lawyers aren't familiar with their work. This, however, does not explain why judges repeatedly use psychologists like Dr. Nelson, when it is known that Dr. Nelson

[3] Dougherty said he was one of the few on the list himself for several years before he decided to practice law exclusively.

espouses the "parental alienation syndrome" hypothesis, which is in wide disrepute.

Problem Two

The use of junk science

Evaluators use junk science that is not accepted at medical schools, but has been accepted as legitimate in California's family law courts. In the 1980s, Dr. Richard Gardner developed a theory that parents -- mostly mothers-- who make claims their children are being sexually abused are really suffering a psychiatric disorder in which they are coaching the child to fabricate the abuse because they are angry at the other parent in the divorce and are therefore trying to alienate the child from the other parent. Gardner calls his theory, "parental alienation syndrome."

In the course of investigating these issues, this author found that the use of P.A.S. is not exclusive to the individuals named in this report. "Alienation" was cited recently in a disturbing case involving domestic violence. In that case, a woman's husband was convicted on criminal charges that he committed bodily harm against her. One of the woman's children, now age 10, has not wished to visit her father, because of his treatment toward the child. But the husband's lawyer is now accusing the child's *psychotherapist* of "alienation," for not pushing the child to visit her father. In another disturbing case, a Sacramento woman was accused of alienation because her sons, ages 12 and 14, expressed the desire not to see their father, who had moved to Indiana from California, and who had a problem with anger, according to the youths. In a taped audio recording between the children and the lawyer for the children, obtained by this author, the lawyer can be heard brow-beating the children into visiting their father, despite their insistence that they did not want to visit him. The children were later, literally uprooted from their home, seized in court and sent to live with their father, over their own strenuous objections, and over their mother's objections.

Problem Three

Judges abrogate their independent decision-making authority

It is apparently routine in Sacramento County for judges to rubber-stamp decisions based on whatever recommendation the evaluator makes. It's very hard to get the judge to act independently, said Frank Dougherty. "Very rarely" does the judge go against the evaluator's recommendation, said Dougherty, who is currently the Board President of the Forensic Division of the Sacramento Valley Psychological Association.

Under California law, judges are not bound by an expert witness's recommendations. Under the law, judges have the final say in making custody

rulings. But this report shows that family court judges have been routinely adopting skewed reports, thereby neglecting their duty to consider all the evidence at hand. One Sacramento lawyer who did not want to be identified said that one reason judges overly rely on evaluators are that the judges are afraid of receiving bad press in the event that something happens to the child. She explained: "If an evil father hurts a child and a TV camera is shoved in the face of the judge who made the decision, he or she can always say that they relied on the expert's opinion."

A judge is theoretically supposed to make decisions that are in the best interest of the child. But as a result of apparently shirking their responsibility to make independent decisions, this report shows that children were left unprotected and ordered into potentially dangerous contact with their alleged abuser/parent.

Problem Four

Lack of adequate oversight for evaluators or judges

Judges and evaluators are not being held accountable to professional standards. There seems to be no effective system for holding anyone working in Family Court responsible for their actions. Court-appointed evaluators are immune to lawsuits, according to Linda Barnard, Ph.D , in Sacramento. Dr. Barnard is a marriage and family counselor with a doctorate in counselor education who specializes in domestic violence issues. Dr. Barnard, who reviewed one of Dr. Nelson's written evaluations in the course of reevaluating the parent, found Dr. Nelson's work to be flawed. Dr. Barnard said she is concerned about the lack of accountability for evaluators. "No one is holding them accountable," she said.

When there is a risk of harm to children due to questionable evaluators, it would seem important for government authorities to act with urgency. But there is little indication that complaints about evaluators are taken seriously by the court or by licensing authorities.

On September 22, 1995, a letter of complaint against psychologist Sidney Nelson, with more than 40 signatures of citizens attached, was sent to then-Presiding Judge Ronald B. Robie, of Sacramento Superior Court. **(Ex 4)** The presiding judge has the official duty of adding evaluators' names to the official, pre-approved list and removing them from the list, when necessary, according to Frank Dougherty. But in his letter of response to the citizens, Judge Robie didn't mention that he had this option -- to take the evaluator's name off of the list. **(Ex 5)** He merely brushed off the complaint by referring the letter's author, Jean Travis, to the Board of Psychology, the state regulatory agency for psychologists. Jean Travis's late daughter, Josie Cohen, had been accused of having "parental alienation syndrome" by Dr. Nelson.

Travis, following Judge Robie's advice, did complain in writing to the Board of Psychology, but her complaint was dismissed, she said. Kathi Burns, an enforcement analyst with the Board of Psychology, would neither confirm nor deny whether any consumer complaints against Dr. Nelson were received. Complaints are not public information, said Burns. But as Burns noted, Dr. Nelson continues to serve as an expert reviewer, in charge of examining specific cases for ethical violations.

The Sacramento County Civil Grand Jury also urged that cases should no longer be heard in Family Court. The Grand Jury concluded that "[Family] Court is ill-suited to hear issues involving allegations of incest, regardless of its jurisdictional capability to decide custody issues." The Grand Jury recommended that cases be heard in Juvenile Court, where the state, through Child Protective Services -- the investigating agency -- plays a greater role. The recommendation was not implemented by the court system, however.

While the Grand Jury's efforts to respond to public complaints were commendable, this report will show that "system failure" described by the Grand Jury often amounts to blatant ethical misconduct by a few influential psychologists in Family Court who receive lucrative business from the court.

Problem Five

Attitudes of officials in family law cases

In a criminal case, if a person's conviction were discovered to be based on unreliable expert testimony that was determined to be "grossly negligent," that wrongful conviction could be overturned in court. But when the equivalent happens in Family Court, the adverse rulings built upon fraudulent or grossly negligent work are allowed to snowball out of control for the person who has been given the civil equivalent of a "wrongful conviction." Government officials in the court seem to maintain an Alice-in-Wonderland mentality, that somehow the tainted rulings are still perfectly okay.

For example, consider the testimony of expert witness Dr. Larry Leatham, an Amador County evaluator. A judge heavily relied on Dr. Leatham to make rulings that ultimately have risked the potential safety of two children. Their mother, Karen Anderson, received the civil equivalent of a wrongful conviction when Dr. Leatham, and then Marsha Nohl told the court she had "parental alienation syndrome." Dr. Leatham, who had been paid with county funds, was later charged with "gross negligence." He did not conduct a full investigation as to whether the children were in danger of being molested by their natural father. Medical authorities had documented that the eldest child, then age 7, had old and fresh genital injuries. The child had repeatedly reported graphic descriptions of molestation to law enforcement. But Dr. Leatham failed to

interview these sources, and defended himself in documents filed with the Board of Psychology, stating that his investigation was partial. Based on Leatham's expert witness testimony in court, the judge ordered the children to live with their father, the alleged molester, and ordered the mother into supervised visitation with the children. Despite numerous and very public attempts to get the tainted rulings overturned, Anderson has been unable to do so.There is no sense of urgency by officials to address the unresolved problem of whether or not the father is a danger to his children.This case will be further discussed in a later section.

Problem Six

Retaliation when government misconduct is exposed

When a parent has the facts and the law on his or her side, and goes up against the system to expose incompetence and possible official misconduct, that person apparently faces the risk of a "gang-up" style retribution by those very officials who are supposed to be protecting the children. This problem is similar to the fate of the whistle-blower, an individual who exposes wrongdoing when, for example, public safety is at stake, only to face retribution from his or her employer for bringing unwanted attention to the problem. In child sexual abuse cases, the victims are the innocent children who pay the ultimate price, with their bodies and souls.

Karen Anderson is one of four mothers in California who filed a recent federal lawsuit charging that Judge Harold Bradford, one of the judges in her case; Larry Dixon, lawyer for the child; psychotherapist, Marsha Nohl; and the evaluator Dr. Larry Leatham, conspired against her to retaliate for her drawing attention to Dr. Leatham's failure to fully investigate, and to the others' alleged misconduct. Larry Leatham did not respond to phone calls requesting an interview. Dr. Nelson said through an intermediary that he did not want to participate in an interview. Marsha Nohl stated through her lawyer, that she was not familiar with the lawsuit. She also stated that she could not comment on any confidential information or in regard to any litigation that may be ongoing. Larry Dixon was not contacted.

According to the California Board of Psychology administrative hearing records, Dr. Leatham was preparing to defend himself on charges of gross negligence. Anderson's lawsuit contains the listing of names of Dr. Leatham's defense witnesses, who were ready to defend him for his partial investigation. The names on the list include Judge Bradford who ruled on behalf of the alleged molester/father, and Larry Dixon, the lawyer for the child. They were ready to testify on Dr. Leatham's behalf, in an apparent conflict of interest with their supposedly neutral roles. The judge continued to make rulings adverse to

Karen Anderson, such as supervised visits. The judge and lawyer for the child weren't needed as defense witnesses by Dr. Leatham after all when he waived his right to a hearing, and agreed to the gross negligence charges against him in December of 1999. If he had not agreed, he would have faced a full hearing and the possible loss of his license to practice psychology, according to Board of Psychology documents.

Problem Seven

The potential for further abuse

Discrediting one parent by diagnosing that parent with the false disorder of parental alienation syndrome, serves a deeper purpose than merely to impeach that person's credibility in court. This false record is used by the alleged offender parent to stop law enforcement and child protective services from any potential further involvement. In 1996, the Sacramento Grand Jury found that when the psychologist/evaluators testified that the mother had "parental alienation syndrome" these reports were then used by the alleged offender to curtail any further involvement by the police or sheriff's department. The police department then automatically disregarded the new allegations of sexual abuse.

Moreover, once the children are placed into the homes of the alleged abusers, they themselves are no longer in a position to report what, if anything, is being done to them because they have no safe person to tell, and nowhere to go to report abuse. In Karen Anderson's case, the judge in effect suppressed any further disclosure by ordering her to refrain from discussing abuse with the children during her visits with them. The judge also ordered that no psychotherapists involved in the case prior to his decision -- including those who believed the children were telling the truth -- could have any further interaction with them.

Findings raise disturbing questions with no easy answers

According to authorities on child sexual abuse, it is usually difficult to legally prove sexual abuse because the finding of medical evidence is considered so rare in child sexual abuse cases. Genital injuries are not common in molestation cases. However, at least five children whose cases are included here, did suffer medical injuries, and thus it was more easy to legally prove the abuse in these cases. Yet in these cases, the evaluators glossed over the medical findings either by not reporting them adequately or by dismissing them through evasive, misleading statements to the judges presiding on the cases. The evaluators' motives cannot be readily understood.

The psychologists and mental health professionals named in this report for flawed work or non-neutral stances, all have the aura of respectability. Their actions cannot be readily explained. Whether there is some hidden financial incentive, or allegiance through relationships with certain lawyers, or whether they believe, as some P.A.S. proponents, that incest isn't as harmful as people think, is unknown. Some child advocates surmise that the evaluators are part of a backlash to the prosecutions in the 1980s of day care workers in a few highly publicized child sexual abuse cases.

Syrus Devers, staff legal counsel for California Assembly member Sheila Kuehl, was interviewed for this report. Devers and Ms. Kuehl have created new legislation to help protect parents from losing custody when they bring bona fide sexual abuse allegations against the opposing spouse. **(Ex 6)** Devers said he believes that child sexual abuse victims have similar credibility problems as rape victims did twenty years ago, before courts were sensitized to rape as a crime.

The use of P.A.S. to discredit the protective parent is often no more than a legal tactic, in the opinion of Frank Dougherty, Ph.D., J.D.. He explained that lawyers typically use P.A.S. as a legal tactic when their male clients are accused of abuse. It's considered good lawyering. Said Dougherty: "Lawyers' jobs are to make the best argument for their clients. 'A' you say you didn't do it, and 'B' you say they [the other side] did something wrong."

Problem Eight

Child sexual abuse cases are treated as custody cases in civil court

In Sacramento, when the perpetrator of child sexual abuse is a stranger, the offense is treated as a crime. Once the charges are made, the District Attorney prosecutes the offender in a criminal court proceeding. Sex abuse offenses are a felony and punishable by imprisonment. But when the perpetrator is a parent, that parent typically does not face criminal charges, according to the findings of a 1996 Sacramento Civil Grand Jury report. Although the police are supposed to investigate and refer cases to the District Attorney for prosecution, they often fail in their task, according to the findings of the Grand Jury Report. "In more than a few cases, this determination on the part of police investigators has taken the form of refusal to refer the case to a prosecutor at the District Attorney's Office even though the Office has concluded that it may be prosecutable," the report stated. [4]

In Sacramento and elsewhere in this nation, when a parent is accused of sexually abusing his or her child, instead of facing a criminal trial, the alleged abuser is given the opportunity to fight for and obtain custody of, or unrestricted access to his child. (Since the majority of cases involve men, the pronoun "he" will be used.) Once the charges are made, the accused typically launches a custody suit against the other parent in divorce court to obtain custody of the child he is accused of abusing. This is a legal tactic recommended by some Fathers' Rights organizations. For this reason, child sexual abuse cases involving incest by the natural parent are always perceived under the guise of "a custody battle." [5]

In cases of incest, child sexual abuse charges might, but do not always, arise out of custody disputes at the time of divorce.The parents might already be divorced and custody arrangements might already be in place when the abuse charges are made.

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[4] Sacramento Grand Jury Report,1996, page 29

[5] The Sacramento Civil Grand Jury noted in its report: "In cases brought to the Jury's attention, the Family Court appointed expert witness testified in court that the mother was guilty of "parental alienation syndrome," an alleged group of symptoms in which a hysterical, vindictive mother coaches the child to fabricate acts of sexual abuse by the father.The collected cases revealed a factual pattern of the child's disclosure to the mother, health care provider, teacher or other person of sexual abuse, and the allegations being revealed in turn to medical, social service or law enforcement authority. This is a difficult disclosure when the victim is two or three years old with a limited vocabulary. If the mother is misguided at the outset as to where she should turn, she may thereafter be clothed with suspicion that she acted out of hysteria and is unfit to care for the child. Even in cases where the reporting mechanism used is appropriate and the case passes through the system, failure to submit the matter to the appropriate court may result in erroneous findings and continued trauma to the child."

In the current structure of the Family Court in Sacramento and elsewhere, the potential for an extremely perverse situation arises. If the mother observes the father sexually abusing the child, and she then leaves the offender and takes her children into her own custody, the sexual abuse issue may only come to the attention of professionals when the issue of visitation with the offending parent is being decided on in the divorce proceeding, according to Kathleen C. Faller, author of *Sexual Abuse Allegations in Divorce in Understanding Child Sexual Mistreatment* (Sage Publications).

Because child sexual abuse cases involving incest are typically treated as custody cases, the actual protection of the child figures in secondary importance, if at all. The Sacramento Grand Jury report noted: "Despite the possibility of immediate risk to the child under the existing custodial arrangement, the cases were carried forward in Family Court." [6]

"Child abuse, whether sexual or physical, and child protection become only incidentally a custody question," according to Randy Burton, a trial attorney and founder of Justice for Children, a child advocacy organization headquartered in Houston, Texas. [7]

Commonalities in the cases

The majority of cases in this report were marked by some notable similarities. Emphasis in the court hearings and evaluations was always misplaced on the parents' guilt or innocence, rather than going by a child-centered approach, to see what was actually in the best interest of the child. Second, physical findings of child sexual abuse had been determined in some of these cases, such as genital injuries. Yet, these findings were discounted or disallowed by the judges, who relied on the recommendations of the evaluators. For instance, in one case the judge said she was concerned about the "apparent sexual abuse" that had been documented by medical authorities, but then she said she could not go against the experts, referring to the evaluator, Dr. Nelson. He had written that since the child didn't tell him who abused her, she must not remember who did it. According to a national expert, Nelson's conclusion is not accurate, and this will be discussed in a later section. The third commonality in these cases is that the nature of the injuries were quite serious because the children who were allegedly abused were extremely young -- on the average, age seven or younger.

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[6] Ibid.

[7] *Expose*, "Children's Rights, Child Abuse and the Legal System, by Randy Burton, page 202.

Problem Nine

Absence of data on outcomes

Currently, it is difficult to ascertain how many children in Sacramento have been put in harms way through faulty evaluations. No records of evaluations are systematically kept by any official agency.Moreover, there is no way of getting a larger picture on how well judges are doing to protect children from abuse, because official statistics are lacking on the disposition of child sexual abuse cases in the criminal and family courts. No record-keeping system has been put in place either nationwide or in California, to keep track of the case outcomes. In California, this was confirmed by researcher Charlene Depner, Ph.D., at the Statewide Office of Family Court Services, which is part of the Administrative Office of the Courts in California, located in San Francisco.

In criminal cases, the records of sex molesters are limited to conviction rates. The records of dismissals, probations and plea bargains for lesser charges in these cases are not recorded systematically either in criminal or civil court. Furthermore, many sexual offenses are also plea-bargained down to nonsexual offenses, according to child sexual abuse expert Dr. Judith Becker, citing research. [8]

"Domestic relations courts do not normally keep statistics on the number percentage of cases seen in the courts of a divorce or custody/visitation dispute which involve charges of sexual abuse," stated the authors of a 1988 report by the Association of Family and Conciliation Courts.

According to Daniel Armagh, director of the National Center for the Prosecution of Child Abuse, who was interviewed in 1998 on this subject, many journalists have asked for the disposition figures on child sex offense in state courts. but Armagh can't provide an answer. Said Armagh: "It's a huge gap in the criminal [and civil] justice systems -- I get calls all the time on the number of cases involving criminal child sexual abuse and there is no data."

Without data to gauge the disposition rates of child sexual abuse cases, legislators and the public do not have the information necessary to form any conclusion on how well our state judges or those in Sacramento are doing to protect children from sexual abuse. The public literally has no way of assessing judicial performance in this area. For example, in Sacramento, it is impossible to determine how many "no contact" orders have been issued against one parent, in which children have been removed from this abusive parent due to child endangerment.

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[8] The Future of Children, Sexual Abuse of Children, Vol. 4 No 2 Summer/Fall 1994, a publication of the Center for the Future of Children. "Offenders: Characteristics and Treatment" by Dr. Judith Becker, Ph.D., a professor of psychology and psychiatry at the University of Arizona.

Problem Ten

How pedophile-friendly views have infiltrated the courts in Sacramento and surrounding counties

The failure of people in decision-making positions at the court to treat the problem of incest with seriousness, along with the absence of data, coincides with an agenda that includes pro-pedophile views. According to researchers, pedophile groups have an agenda: they seek to shape public attitudes in order to decriminalize sex between youngsters and adults. Substantial evidence suggests that this pro- pedophile movement is actively supported and strengthened by some influential academics in this country,who are also tied to some major "Fathers' Rights" organizations.

The American Psychological Association came under intense criticism last year for publishing an article, "A Meta-Analytic Examination of Assumed Properties of Child Sexual Abuse Using College Samples," in one of its prestigious journals that suggested that sexual relationships between adults and children might be positive for "willing" children. The article was co-authored by Robert Bauserman. Mr. Bauserman has also authored a separate article published in *Paidika-The Journal of Pedophilia*, a Dutch publication advocating the legalization of sex with "willing" children. The U.S. Congress condemned the article, citing Bauserman's connection with the Dutch pedophile journal. [9]

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[9] On May 12, 1999, the 106th CONGRESS, 1st Session, passed a resolution cited as H. CON. RES. 107, "Condemning the American Psycholgocal Association Child Sex Abuse Study." Rep. Matt Salmon, Mr. DELAY, Mr. PITTS, and Mr. WELDON of Florida, submitted the resolution, which follows in part: "Expressing the sense of Congress rejecting the conclusions of a recent article published by the American Psychological Association that suggests that sexual relationships between adults and children might be positive for children. . . .

Whereas information endangering children is being made public and, in some instances, may be given unwarranted or unintended credibility through release under professional titles or through professional organizations;. . . .Whereas Congress has made sexual molestation and exploitation of children a felony;

Whereas all credible studies in this area, including those published by the American Psychological Association, condemn child sexual abuse as criminal and harmful to children;. . . .

Whereas the American Psychological Association has recently published a severely flawed study that suggests that sexual relationships between adults and children are less harmful than believed and might even be positive for `willing' children;

Whereas `Paidika--the Journal of Pedophilia', a publication advocating the legalization of sex with `willing' children, has published an article by one of the authors of the study, Robert Bauserman, Ph.D. (see `Man-Boy Sexual Relationships in a Cross-Cultural Perspective', Issue 5) and;

Whereas the United States Supreme Court has recognized that `sexually exploited children are unable to develop healthy, affectionate relationships in later life, have sexual dysfunction,and have a tendency to become sexual abusers as adults' (*New York v. Ferber*, 458 U.S.747, 759, n.10 (1982). . . .

Outwardly, many of these academics emphasize the "hysteria" surrounding "false accusations" of child sexual abuse. But quietly, behind the scenes there is much documented evidence to suggest that they are seeking to change public opinion by presenting positions that normalize adult/child sex.

Child advocates and researchers have good reason to be concerned that molester-friendly psychologists have gained a major foothold in the Sacramento Family Courts. Academic theories such as P.A.S., that subtly espouse views beneficial to incest offenders have directly infiltrated psychological evaluation process of families in Sacramento Family Court, according to the findings of this report.

These maverick views can be traced back to famed sex researcher Alfred Kinsey, according to Judith Reisman, P.h.D., a researcher who resides in Sacramento. Reisman brought to light the origins of this pro-pedophile academic movement, in her controversial study of famed sex researcher Alfred Kinsey, *Kinsey, Sex and Fraud*.

Kinsey's contribution to the pedophile movement

Dr. Reisman exposed the flawed methodology behind Kinsey's study of male sexuality by showing that while Kinsey's own descriptions portrayed some of the horrified reactions in the children to being forcibly held down and sexually molested, Kinsey still assumed the children enjoyed it.

Citing pages 160 and 161 of Kinsey's volume on Males, (a book), Reisman wrote Kinsey's descriptions of the the children's 'screams' , their 'convulsions', their 'hysterical weeping' , 'fighting', and 'striking the partner' (the adult). But these reactions are judged by Kinsey as reflecting "definite pleasure from the situation," Dr. Reisman wrote, quoting Kinsey.

"Based on his data, Kinsey claimed that children enjoyed sex with adults and the real harm of adult/child sex stemmed from "hysterical" parents, teachers and professionals who reacted with anger and horror to children's disclosures," Reisman noted. [10]

[10] Dr. Riesman contends that Dr. Kinsey had hired child molesters to molest children, and that he then recorded the children's orgasmic responses for his book on male sexuality. The Kinsey Institute had vigorously denied this claim, but questions linger, since the Institute will not allow Reisman or other researchers to examine Kinsey's original data. These sexually abused children who were allegedly the experiments of Dr. Kinsey were the subject of a British documentary, *Children of Table 34*.

Pedophile-friendly advocates are using Kinsey and his disciples as a reference to normalize sexual relations between adults and children. This author found that the National Association of Man/Boy Love, (NAMBLA), which promotes consensual sex between children and adults, pays tribute to Alfred Kinsey on their web site. (See http://www.nambla.org). NAMBLA also quotes John Money, Professor Emeritus of Medical Psychology, Johns Hopkins University, in an interview in *Paidika*, the spring issue of 1991. Money was quoted as saying: "If I were to see the case of a boy aged ten or eleven who's intensely erotically attracted toward a man in his twenties or thirties, if the relationship is totally mutual, and the bonding is genuinely totally mutual, then I would not call it pathological in any way."

Adults who are promoting adult/child sex have fostered their movement by creating allegiances with influential psychologists who have carried down Kinsey's views. They don't have to wait to get legislation passed. The Sacramento Family Court judges are willingly handing over children to alleged abusers, on the strength of evaluations by psychologists like Dr. Nelson, who use pro-pedophile theorists to discount the evidence of the abuse. The sickening flaws in the evaluations have had direct and dire consequences for Sacramento children.

Dr. Gardner's contribution to the pedophile movement

Dr. Richard Gardner, a 70-year-old psychiatrist from New Jersey, makes lucrative sums as an expert witness for the defense in child sexual abuse cases. Gardner's outward position is that "hysterical" reactions surround many sexual abuse allegations. He attributes hysteria to mothers who have "parental alienation syndrome," a disorder he claims to have discovered through observation of people in his private, clinical practice.

According to the American Psychological Presidential Task Force on Violence and the Family, in its 1996 statement, there is no data to support P.A.S.. It is not accepted in any standard medical reference, including the DSM IV (Diagnostic and Statistical Manual of Mental Disorders).

Robert Geffner Ph.D. a national expert on family violence issues [11] stated: "While psychologists agree that some parents resort to such behavior, parental alienation syndrome is not a valid diagnosis and shouldn't be admitted into child custody cases." [12] In 1997, this author served on a panel with Dr. Geffner at the American Psychological Association's annual convention, that addressed the ethics of those psychologists and mental health professionals who diagnose P.A.S..

Agreeing with Dr. Geffner was Dr. Anna Salter, a nationally recognized forensic psychologist who treats sex offenders and victims. "There's never been any evidence to support P.A.S.," Dr. Salter said in an interview with this author. "You don't see P.A.S. in the diagnostic manual because there's no evidence to back it up." Dr. Salter was referring to the fact that P.A.S. is not included in the standard medical reference for psychiatrists and psychologists called the Diagnostic and Statistical Manual of Mental Disorders.

While Richard Gardner outwardly professes that children are being coached mainly by vindictive mothers to lie, he has come to be known as a pedophile-friendly authority because of certain pro-pedophile statements he has made publicly. For example, he writes that incest is good because highly sexualized children are more procreative, and this is good for humankind. Sexualizing children can have procreative purposes he avers, because a sexualized child is more likely to reproduce at an earlier age.

> "The younger the survival machine at the time sexual urges appear, the longer will be the span of procreative capacity, and the greater the likelihood the individual will create more survival machines in the next generation." Gardner, Richard A., *True and False Accusations of Child Sex Abuse* (1992), pp.24-25

Here are some more examples of Dr. Gardner's statements taken from

[11] Robert Geffner, Ph.D., ABPN, is the President and Founder of the Family Violence & Sexual Assault Institute, in CA and TX, and is a Clinical Research Professor of Psychology at the California School of Professional Psychology in San Diego. He is the Executive Editor of the Family Violence & Sexual Assault Bulletin, and Editor-in-Chief of the Haworth Maltreatment & Trauma Press. He is a licensed Psychologist and a licensed Marriage & Family Therapist. He has authored and edited numerous books, chapters, and articles concerning family violence, child maltreatment, forensic psychology, child custody, and neuropsychology, He has a Diplomate in Clinical Neuropsychology, and has been an adjunct faculty member for the National Judicial College for over 10 years.

[12] *Expose*, "The Parental Alienation Syndrome: Is it Scientific?" Stephanie Dallam, R.N., M.S.N., page 82.

his books and writings, that seek to normalize sex between adults and children:

> "There is a whole continuum that must be considered here: from those children who were coerced and who gained no pleasure (and might even be considered to have been raped) to those who enjoyed immensely (with orgiastic responses) the sexual activities." Gardner, Richard A., *True and False Accusations of Child Sex Abuse* (1992), p.548

> "If the mother has reacted to the abuse in a hysterical fashion, or used it as an excuse for a campaign of denigration of the father, then the therapist does well to try to 'sober her up'... Her hysterics... will contribute to the child's feeling that a heinous crime has been committed and will thereby lessen the likelihood of any kind of rapprochement with the father. One has to do everything possible to help her put the 'crime' in proper perspective. She has to be helped to appreciate that in most societies in the history of the world, such behavior was ubiquitous, and this is still the case." Ibid. p.576-577

In response to criticism, Gardner has published statements strongly denying that he supports pedophilia, or any agenda to normalize sex between adults and children. Gardner stated in a written pamphlet that he wrote: "Pedophilia is a bad thing for society." Gardner's written pamphlet also stated: " My acknowledgment that a form of behavior is part of the human potential is not an endorsement of that behavior."

It is unclear whether Gardner is backing off of his previous positions, or whether he is just contradicting himself. In a recent article, Gardner was quoted as stating that some child abusers are misusing his theories to defend themselves legally against legitimate charges of child sexual abuse.

Gardner also denied any responsibility for influencing judges, through his theories, to disbelieve mothers who are trying to protect their children. Gardner's pamphlet stated: "Again, this implied that I, a single person, could have such an enormous influence over the judiciary over a whole continent. The alternative explanation, namely, that my contributions have brought to light the abomination of false sex-abuse accusations is not acknowledged by those who promulgate this myth."

Gardner's theory of P.A.S. is highly relevant to this report because in nearly every child sexual abuse case examined by this author, the psychologist/evaluators appointed by the Sacramento court claimed the mothers were suffering from P.A.S. In later cases, they used the term parental alienation without the word "syndrome" attached. The diagnosis of P.A.S. or PA was used in some cases to discount medical reports that substantiated the findings -- when children had suffered physical injuries from sexual abuse. By attacking a parent through the use of P.A.S. , the evaluators influence the Sacramento judges to make rulings that place children with their alleged abusers.

Psychologists Sidney Nelson, Jeffrey Miller, Larry Austin Leatham, and psychotherapist Marsha Nohl have convinced several Family Court judges to place children with their alleged parent/perpetrators. They used "the parental alienation syndrome" to justify their recommendations to the court.

Ralph Underwager's contribution to the pedophile movement

A Minnesota psychologist and theologian, Dr. Ralph Underwager, who has testified nationwide as an expert witness on behalf of parents accused of sexually abusing their children, is also known to have pro-pedophile views.

Like Dr. Gardner, Dr. Underwager has testified nationwide as an expert witness at individual trials, that the child is the victim of coaching or suggestive questioning. Hundreds of children were left unprotected from possible abuse in these cases, after Underwager's testimony or writing was used by the judges, who believed that the child's accusations were not bona fide.

Although Dr. Underwager claimed his positions were grounded on solid research, there was serious doubt cast on his credibility after the release of a 1988 study written by forensic psychologist and book author Anna Salter. Ph.D., who specializes in the treatment of sex offenders and victims. Commissioned by the New England Commissioners of Child Welfare Agencies, Dr. Salter's study focused primarily on examining references that Underwager had cited in a book he co-wrote with his wife, Hollida Wakefield, called *Accusations of Child Sexual Abuse*. Dr. Salter found an egregious pattern of omissions, distortions, and twisting of the research to fit his positions.

The type of distortions identified in Underwager's work are highly relevant to this report, because the same patterns he used to distort the facts, show up very heavily in the Sacramento evaluators' work. This author found that the Sacramento evaluators were making a shockingly similar pattern of errors in their reports.

Underwager's claims that accusations of sex abuse by children are nearly always false, came into serious question after he and his wife and professional partner, Hollida Wakefield, were interviewed by a Dutch underground magazine for pedophiles called *Paidika*. In the *Paidika* interview, Dr. Underwager and his wife were quoted as expressing pro-pedophile views,

urging that pedophiles “take the risk.” [13]

[13] Paidika, Vol 3. No 1, 1993. An article by Lawrence, Lana R. entitled, "What They Said: 'Interview - Hollida Wakefield and Ralph Underwager,' Paidika, Winter, 1993," appeared in *Moving Forward,* Vol. 2, No. 4, p. 13. Retrieved from the World Wide Web: http://moving forward.org/v2n4-underwager.html In an excerpt from the magazine, *Moving Forward*, Underwager is asked about his comments in Padaika: "I haven't checked it [the article], but I'm not aware of any misquotations." An excerpt of his interview in *Paidika* follows:

Paidika:] Is choosing paedophilia for you a responsible choice for the individual?

RU [Underwager]: Certainly it is responsible. What I have been struck by as I have come to know more about and understand people who choose paedophilia is that they let themselves be too much defined by other people. That is usually an essentially negative definition. Paedophiles spend a lot of time and energy defending their choice. I don't think that a paedophile needs to do that. Paedophiles can boldly and courageously affirm what they choose. They can say that what they want is to find the best way to love. I am also a theologian and as a theologian I believe it is God's will that there be closeness and intimacy, unity of the flesh, between people. A paedophile can say: This closeness is possible for me within the choices that I've made."

Paedophiles are too defensive. They go around saying, "You people out there are saying that what I choose is bad, that it's no good. You're putting me in prison, you're doing all these terrible things to me. I have to define my love as being some way or other illicit." What I think is that paedophiles can make the assertion that the pursuit of intimacy and love is what they choose. With boldness they can say, "I believe this is in fact part of God's will." They have the right to make these statements for themselves as personal choices. Now whether or not they can persuade other people they are right is another matter (laughs). [Pages 3,4]

[Paidika:] You say that paedophiles should affirm the fact that they believe that paedophilia is a part of "God's will." Are you also saying that for the paedophile to make this claim about God's will, is also to state what God's will is?

RU: (laughing) Of course, I'm not privy to God's will. I do believe it is God's will that we have freedom. I believe that God's will is that we have absolute freedom. No conditions, no contingencies. When the blessed apostle Paul says, "All things are lawful for me," he says it not once but four times. "All things are lawful for me." He also adds that not everything works. [Page 41]

[Paidika:] Still, isn't it a reasonable wish for paedophiles to want to see paedophile sex decriminalized? It may not be realistic right now in the U.S., but does that make it less legitimate a goal?

RU: Oh yes, sure, sure. I mean Jesus said, "I really don't want to do this. I don't want to go up there onto Calvary." But when it came down to it, he said, "Well, OK, I'm going to walk the steps." As for decriminalization the question is really if you're not there, how are you going to get there?

[Paidika:] Any advice?

RU: Take the risk, the consequences of the risk, and make the claim: this is something good. Paedophiles need to become more positive and make the claim in that paedophilia is an acceptable expression of God's will for love and unity among human beings. . . .

> Take the risk, the consequences of the risk, and make the claim: this is something good. Paedophiles need to become more positive and make the claim in that paedophilia is an acceptable expression of God's will for love and unity among human beings. This is the only way the question is going to be answered, of whether or not it is possible. Does it happen? Can it be good? That's what we don't know yet, the ways in which paedophiles can conduct themselves in loving ways. -- Dr. Ralph Underwager, from the Dutch pedophile journal, *Paidika*

Who are the victims?

In the cases examined for this report, the average age of the child was very young, with ages ranging from infancy to 10-years-old. Additionally, court documents show that some of these children had been physically injured by the sexual abuse. In other cases, the children contracted genital infections. All the children showed classic behavioral indicators such as recurrent nightmares, excessive masturbation, sexually acting out, bedwetting, and intolerance to having their clothes removed by adults.

Who are the alleged perpetrators?

In the cases examined, all the alleged parent offenders were male. They came from a variety of walks of life. According to experts, these cases represent the norm since most child molesters are male, and come from all income strata.

In general, incest offenders may engage in incestuous as well as non-incestuous abuse. They may target children of both genders. Research also suggests that child molesters are frequently aggressive, not passive individuals.[14]

According to the research of forensic psychologist and book author Dr. Anna Salter, there are two main factors that cause a father to sexually abuse his children. One) the incest offender had nonsexual problems that they converted into sexually acting out with their children. "Some offenders aren't sexually attracted to kids. They are doing it for revenge or out of inadequacy, or to get power and control," said Dr. Salter. Two) the incest offender is mainly attracted to children, and is sexually aroused by children, including their own. Dr. Salter also noted that according to the research, about one in twenty incest offenders

[14] The Future of Children, Vol. 4, No. 2, Summer/Fall 1994, "Offenders: Characteristics and Treatment" by Judith Becker, page 179.

is psychopathic, meaning that the person doesn't experience any guilt or remorse for their crimes, and does not have any empathy for his victims.

Another characteristic shared by pedophiles and parent offenders is that they often deny their crimes. According to Dr. Salter, there are several components of denial. Some "typically only expose a fraction of the problem initially." [15] Others contend it never happened or did not involve them.

In all the Sacramento cases in this report, the men denied that they sexually abused their children. Still other sexual molesters believe that they are being victimized and that society is to blame for not allowing them to express their love to children. Pedophiles often do not understand that their behavior is predatory and exploitative, that can result in physical injury, and emotional life-long trauma. For example, a convicted child molester from Sacramento wrote to a family member from his jail cell in California, telling her how he was being punished for "loving:" In this case, the molester had sodomized his nephew and several other young boys.

Experts state that perpetrators, including parent perpetrators, come from all walks of life. The convicted child molester cited above was a grade school teacher. On April 6, 2000, the *New York Times* reported that a retired Army Major who had been an ex-White House Aide, was charged with sending pornographic material to children over the Internet, and attempting to have sex with two girls, ages 12 and 14. [16]

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[15] *Treating Child Sex Offenders and Victims*, by Dr. Anna Salter, Sage Publications, 1988, page 96.

[16] *The New York Times*, April 6, 2000, Sec. A, page 25.

SECTION TWO
DR. LARRY LEATHAM'S ROLE:
AIDING AND ABETTING AN ALLEGED SEX MOLESTER/PARENT?

A tragic case in Amador County that has had many legal twists and turns, recently took another turn when Larry Leatham, Ph.D., the court-appointed evaluator, agreed not to contest official charges lodged against him by the California Attorney General's office that he committed gross negligence.

Dr. Leatham had failed to properly investigate allegations of sexual abuse of two of three siblings. Yet, Dr. Leatham's actions have not led court officials to reconsider their decisions. The children remain with their father, Don Hoverson, despite the pressing, unanswered questions left by Leatham's incomplete, grossly negligent evaluation and the striking contradiction between the children's disclosures of abuse and their custody placement. In the meantime, the mother, Karen Anderson, has been subjected to a rash of seemingly arbitrary, punitive and excessive controls by those same officials and court-appointees who were in the position of deciding if her children were at risk of abuse.

This Amador County case involved accusations that a divorced father, Don Hoverson, had sexually abused his two young daughters when they went on overnight visits with him. In 1995, a medical exam at the University of California at Davis Medical Center found that the oldest daughter, who was then 6-years-old, had "abnormalities of the hymen." The child had additionally verbally reported the alleged abuse to law enforcement, which was videotaped. The child made "graphic disclosures of vaginal and rectal penetration, oral copulation, and being shown pornography," including child pornography, according to Anderson's charges in a recently filed lawsuit.

Anderson is one of four plaintiffs in the lawsuit that names several government officials and court participants as defendants including Dr. Larry Leatham, Dr. Sidney Nelson, Judge Harold Bradford, court-appointed therapist Marsha Nohl, and court-appointed children's attorney, Larry Dixon.

In the meantime, Hoverson has alleged that the daughter's older brothers (from Anderson's prior marriage) had committed the molestation, but the children verbally stated several times to authorities that the molester was their natural father.

Dr. Leatham's involvement in the case began when he, along with Larry Dixon, the lawyer for the children, were court-appointed in October of 1995. Dr. Leatham finished his report in November 1995. He recommended that the

children live with their father fifty percent of the time, and that the mother was using maneuvers to interfere with their children's relationship with their father, and that, therefore, was the problem.

After the sexual abuse allegations were corroborated by medical evidence, and by the verbal reports from the children, Dr. Leatham advocated that the father should have sole custody, immediately. He hadn't even seen the medical reports, or police reports. He testified he didn't believe the children's verbal reports made to the Sheriff or their psychotherapists. His belief contradicts the California Attorney General's handbook on child abuse, which instructs parents and authorities that children's verbal reports need to be taken seriously. According to Leatham, there had been no abuse. He claimed that Anderson had coached the children into believing they had been abused.

Before the custody hearing, another examination, this one designed to detect suspected sexual abuse (called a "colposcopic" exam) was performed at the University of California Davis Medical Center. The medical examiner, Cathy Boyle, made findings of "old injuries" and "fresh injury" to the girl's genital area, who by then was age 7. **(Ex 7)**

Still, Dr. Leatham blamed Karen Anderson, claiming she had alienated the children. He testified: "[It] was my opinion that this mother was programming and alienating these children against the father and that the only way that this could stop was for there to be an immediate change of custody." [17] He went on, citing maverick psychologist Dr.Richard Gardner, noted earlier in this report. "Well, this is an phenomenon [sic] or a theory or a concept developed by Dr. Richard Gardner a child psychologist at Columbia University, and it is called a parental alienation syndrome. And in it we see a gradual escalation of alienation statements and exclusionary maneuvers by this mother." [18]

Dr. Leatham recommended to Judge Harold Bradford that he place the children with their alleged abuser/father. Based on Dr. Leatham's recommendation, Judge Harold Bradford did order the children to live with their father, and Judge Bradford also ordered all contact cut off between the mother and children.

In 1998, the California Attorney General's office prosecuted Dr. Leatham in a civil, administrative action, charging Dr. Leatham with gross negligence for failing to look into the child sexual abuse allegations properly. See the attached document, **(Ex 8)**. Dr. Leatham's defense against the charges was that he

[17] from the official transcript, page 8, line 15, Direct Examination of Dr. Larry Leatham, in Superior Court , Amador County, March 6, 1996.

[18] Dr. Richard Gardner is apparently affiliated with Columbia University, and is listed as a "clinical professor" but this does not indicate a full-faculty position. In Gardner's pamphlet he indicates that he does not routinely teach at the university.

didn't have time to investigate the allegations of abuse.

In December 1999, when Dr. Larry Leatham was faced with the prospect of a full hearing against him, he made what was the equivalent of a no contest plea. In exchange for his plea, the Board of Psychology (B.O.P.) agreed to drop the charges against him. **(Ex 9)** Had he gone to trial he would have faced possible loss of his license. He is now in good standing again. As a condition of the agreement, Dr. Leatham agreed to "submit to an educational review."

But this author found out that Dr. Leatham never did have to undergo any course of remedial education. The Board of Psychology let him off the hook entirely for his actions. They did this through a procedural slight of hand trick. After Dr. Leatham agreed to undergo remedial education, the Board of Psychology sent him a letter saying that he already fulfilled the education requirement. But how could he have? Did he take classes on how to do a proper investigation, and now had learned to pay attention to medical evidence, for example, or to contact the appropriate authorities when a child's safety is at stake?

Kathi Burns, an enforcement analyst with the Board of Psychology confirmed that her agency had indeed sent Dr. Leatham a letter stating that he did not have to submit to any educational sessions to better learn how to conduct evaluations in child sexual abuse cases. Burns explained that since Dr. Leatham had already received the expert reviewer's report outlining Leatham's ethical violations, that information would suffice as Leatham's education. "He was [educated] by virtue of receiving the expert's report -- so we considered that education," said Burns, in an interview. The reviewer who analyzed Dr. Leatham's conduct and had written a report on the violations was none other than Sidney Nelson, cited in the later section of this report for his skewed, seemingly unethical recommendations. (Dr. Nelson's role in this case was presented in B.O.P. administrative documents, which this author has obtained.)

This author attempted repeatedly to contact Dr. Leatham but he did not respond to phone calls. Dr. Sidney Nelson said through an intermediary that he did not want to participate in an interview.

In the meantime, a criminal investigation of the father, Don Hoverson, is still reportedly open, according to Karen Anderson. She said she was told as recently as last month that the Attorney General's office has reportedly taken over the investigation away from the Amador Sheriff's office.

Still, all the court orders that were constructed upon Leatham's faulty recommendation, remain in full effect. Anderson has tried to get the rulings

overturned legally, but she has been unsuccessful. [19]

In Anderson's new federal lawsuit, the charges are that these court-appointed professionals engaged in conspiracy and racketeering under RICO laws. Among the claims, Karen Anderson charges that she herself has become the target of punitive, retaliatory actions by the court-appointed people on her case. For example, Judge Bradford suppressed all information that would determine if the eldest daughter is still reporting abuse. He created orders that would prevent Karen Anderson from taking the children to the doctor. Likewise, the children are barred from speaking to their school counselors. Also, Anderson is legally forbidden from speaking about molestation with the children. The next section will detail some of the seemingly punitive actions taken against Anderson by one of the defendants in the lawsuit, court-appointed psychotherapist, Marsha Nohl M.A., M.F.C.C.

[19] Very recently, Anderson used a new California law that was actually modeled on her case. The law states that a parent can't lose custody for making a bona fide sexual abuse allegation against the other parent. But the judge who heard the argument apparently decided not to enforce the new law, and ruled against her. Syrus Devers, counsel for California Assemblymember Sheila Kuehl, testified on Anderson's behalf, and was shocked by the judge's ruling, he said. Devers and Assemblymember Kuehl have been supporters of Anderson's case, believing a terrible injustice has occurred.

SECTION THREE
MARSHA NOHL'S QUESTIONABLE INFLUENCE AND ACTIONS IN THE HOVERSON/ANDERSON CASE AND OTHERS

Prior to the reversal of custody, from the time of the medical report of the child in January 1996 up until September 26, 1996, Don Hoverson had supervised visitation. The reason was that the Amador County Sheriff's office was investigating him on allegations of sexual abuse of his children. There was also a Grand Jury investigation that didn't result in an indictment, reportedly for lack of DNA.

Judge Harold Bradford ordered Don Hoverson to find a new psychotherapist for the children on the basis of Dr. Leatham's testimony that the children were being damaged, in essence, because their psychotherapist believed the children were abused, according to the September 26, 1996 transcript of proceedings. Hoverson contacted Marsha Nohl and hired her to counsel the children. She confirmed that Hoverson was paying her, according to the November 1, 1996 hearing transcript. [20]

When asked to respond to criticisms, Marsha Nohl would not comment on her role in the case. Through her lawyer, she stated in writing: "Confidentiality prohibits me from commenting on the identity of any client or revealing any client communications."

Marsha Nohl was approved as the court-appointed therapist for the children. Once her role was officially established, Nohl testified in court that Karen Anderson was guilty of "parental alienation syndrome." At the time she testified against her, Nohl had never, in fact, met or spoken with Karen Anderson, according to Anderson. Later, Nohl also made passing reference in correspondence to Judge Harold Bradford that she in fact had never treated or diagnosed Anderson. In a letter dated January 5, 1998 to Judge Bradford, Nohl wrote, "Now, I would not presume to diagnose someone I had not treated," referring to Anderson.

Nohl was asked by this author to state her position on "parental alienation syndrome." Through her lawyer, she provided the following written statement: "I have no 'position' on parental alienation syndrome. Having a position on this syndrome would make as much sense as having a 'position' on rubella or Chronic Fatigue Syndrome."

Yet Nohl did take a position on "parental alienation syndrome" when she

[20] page 33, line 2.

was cross-examined on the issue, according to the transcript of the November 1, 1996 hearing in the Hoverson case. She stated that she believes that P.A.S. as a "process" occurs. Like Dr. Leatham, she cited Dr. Richard Gardner's work (noted in the previous section of this report) as the source of her information. The exchange between Steven Wessels, the mother's attorney, and Marsha Nohl follows:

> Wessels: Do you believe in this theory called parental alienation syndrome?
>
> Nohl: I believe the process occurs. Whatever they call it is whatever they call it.
>
> Wessels: Could there be a reverse process where the father has chosen to deliberately alienate the children from their mother?
>
> Nohl: It occurs in about 10 percent of the cases.
>
> Wessels: That's your experience.
>
> Nohl: That's the research on it.
>
> Wessels: What's the source of your research on it?
>
> Nohl: Gardner's work.
>
> Wessels: Do you believe that Gardner's work is largely discredited by most professionals?
>
> Nohl: You know, I can't agree or disagree. I don't know what most professionals deal with. I just can tell you what it is I see in my practice and what it is I work with.
>
> Wessels: Did Gardner do any scientific research, any scientific research to back up his theory, do you know?
>
> Nohl: I don't know.
> **********

On the advice of Marsha Nohl, and the lawyer for the child, Larry Dixon, Judge Bradford ordered Karen Anderson into supervised visitation at Nohl's treatment center.Supervised visits are usually reserved for criminals or people

with drug problems, who could pose a danger to their children. Anderson had a completely clean record of mental health, and had never been accused of neglect or abuse.

Nohl benefited financially from this arrangement, because Anderson had to pay $45 to the Center for the weekly visits. Due to the geographic distance, Anderson had to miss work and travel three hours round trip from the town of Pioneer to Sacramento, for a 50-minute session. "My kids lived in Amador county, just a few miles away from me, and they had to be taken out of school, in order to make the weekly trips to Sacramento."

Nohl was now in a position to assume extreme control over Karen Anderson's interaction with her children. In an April 25, 1997 letter to Anderson's psychotherapist, Marsha Nohl instructed that Karen Anderson had to follow the rules of her agency. Numbers #4 and #6 on the list follow:

> 4. Supervisor must see and approve all toys, gifts, cards, letters and food prior to visitation. Gifts are only for special occasions. . .
>
> 6. All body contact between clients must be prior approved. **(Ex 10)**

Were these controls on Anderson proper or appropriate?

Dr. Robert Geffner, Ph.D., a national expert in family violence, thinks not. Dr. Geffner stated in writing:

> It is not appropriate to use a program for sex offenders for a parent who is not accused of such behavior. . . . To say a parent can't hug or touch their children is bordering on the ridiculous without evidence of poor parenting.

It is this author's understanding that under the California Judicial Council standards for supervised visitation, these rules are specifically for, and limited to, perpetrators of child sexual abuse.

In another letter to the court, Marsha Nohl also imposed the rule that Karen Anderson couldn't say she loved them, unless they told her first.

Marsha Nohl went further. In a letter to Judge Bradford. Nohl warned him that Anderson's behavior was akin to a legal version of "Munchausen by

Proxy." **(Ex 11)**

Nohl wrote in part:

> This emotional illness [Munchausen by proxy] has the mother knowingly inflict [sic] bodily harm even until death -- on her offspring. Then the mother can bask in all the concern and attention that is lavished upon her. How important she becomes. Note that the perpetrator -- usually a female -- exhibits a more than passing knowledge of medicine. Now, I would not presume to diagnose someone [Anderson] I had not treated. Moreover, to my knowledge there is no diagnostic criteria for the legal equivalent of Munshausen [sic] by Proxy. But it is suggestive that if you replace 'hospital' with 'courtrooms' 'medicine' with 'law' 'illness' with 'molest allegations' and 'doctors' with 'lawyers', one might suspect that the Hoverson children may be dealing with something more sinister than, or in addition to, the alienating behavior of a parent.
>
> Respectfully,
>
> Marsha Nohl, M.A. , M.F.C.C.

Nohl had no comment on the letter. She stated through her lawyer that confidentiality bars her from commenting on ongoing cases.

Professors Mark Roberts and David Allison of Stoney Brook State University of New York, are experts in the field of Munchausen by Proxy. They reviewed the documents relating to Marsha Nohl and wrote a letter dated May 29, 1999 to Amador County Presiding Judge Susan Harlan, which stated in part:

"It has become increasingly clear that Ms. Anderson has been unfairly treated with regard to her custody and visitation rights. . . . It appears that a great deal of this treatment can be attributed to Judge J. Augustus Accurso's acceptance of the egregiously unscientific claim of MbPS -- much less the doubly ridiculous claim of 'Legal Mbps.' "

Nohl's medical mumbo jumbo in her letter alarmed Anderson's therapist,

Joseph Randazzo, Ph.D., L.C.S.W., who objected to the innuendoes in a letter to the court. He called Nohl's letter "a smear campaign."

At another point in the last few years, Marsha Nohl sought to cut off Anderson's phone contact with her three children. In a letter to the judge, Randazzo responded: "The apparently deliberate efforts to keep her at bay from her children stand in the way of clinical resolution. Clearly Ms. Anderson has been made out to be the offender on the basis on an unfounded hypothesis (i.e. Parenting [sic] Alienation Syndrome)."

Was Nohl using the power of her court-appointment to punish Anderson and steer the case on behalf of Hoverson, the father? Through her legal representative, Nohl strongly denied she sides with the alleged offenders.

Nohl has maintained overlapping interests in certain cases, which benefit her financially, but seem highly unethical. For instance: she has seen offender/parents at her private therapy practice at one location. At her separate business, A.F.T.E.R., she oversees treatment for incest offenders, the victim/ children and the innocent parents, who are often ordered into counseling at A.F.T.E.R. by the court. Additionally Nohl administers a supervisory program at A.F.T.E.R. for those parents who are considered too dangerous to visit alone with their children.

As the Anderson case demonstrates, Nohl's overlapping roles as a private psychotherapist, administrator, and as a provider of supervision services, can and do blur together, which raises disturbing questions about dangerous conflicts of interest. As the above example indicates, these overlapping roles also give her inordinate control over the lives of the victims who are court-ordered into her program.

More questions concerning Marsha Nohl, M.A., M.F.C.C.

Two other, separate cases show a similar pattern in Nohl's practices. They are described below.

In 1990, a three-year-old girl verbally reported to authorities that her father had sexually assaulted her. The social worker from Child Protective Services, Ulaine Howard, M.S.W., investigated, and reported back to the Sacramento County Juvenile Court. Recounting what had occurred, Howard wrote in the "Supplemental Social Worker's Report, Second Addendum": "The minor has been sexually molested by her father and stepmother."[21] His findings were based on multiple sources including a medical examination of the child

[21] The original report was October 5, 1990; Supplemental Report Second Addendum was dated February 19, 1991; and Third Addendum was May 22,1991.

that found physical findings consistent with abuse. **(Ex 27)**

Social worker Ulaine Howard stated: "The risk of sexual abuse of this child has not diminished over time. Instead, the child has remained steadfast in her allegations that her father and stepmother have sexually molested her. The psychological evaluation supports the fact that the child has been molested."

Based on these findings, the Juvenile Court made the child a dependent of the court. "The father, while not admitting the molest [sic] occurred, did not contest the petition for dependency. [The child] was placed with her mother under dependent supervision," according to court documents.

Removing a child from parental custody and making that child a dependent of the court is not done lightly. Under California's Welfare and Institution Code 300 (a) and (b) (WIC) the child must face a "substantial risk of serious future injury. . . and other actions by the parent or guardian which indicate the child is at risk of serious physical harm."

The judge came to the decision that the child was in danger of being harmed and ordered "no contact" with the father. Simultaneously, the mother and child were ordered to attend therapy sessions at Nohl's A.F.T.E.R. program. Nohl also took on the father as a private patient. Correspondence shows that Marsha Nohl began to subtly insert herself into the case, on behalf of the father. Just as in the Anderson case, she offered to provide therapy to both the father and child together.

According to a "Nonappearance Progress Report," dated May 2, 1991, social worker Ulaine Howard noted that he had spoken with Ms. Nohl, the father's psychotherapist. According to Howard, Nohl stated that rather than the father -- her client -- having to visit his daughter in the supervised setting, that Nohl wanted to provide therapy sessions for both father/molester and daughter/victim together, and that Nohl, herself, would be the therapist.

Social worker Howard wrote: "The child's counselors at Parents' United have no doubt that the child is a molest victim. **(Ex 28)** She [Nohl] does not believe that [the father] is yet ready to have visits with his daughter. She believes that [the father] needs to be able to be empathetic regarding his daughter's feelings as a molest victim. She believes that in working with him therapeutically, he may be able to achieve that goal in approximately two months. She also believes that it might be best to reinitiate contact between the father and daughter via conjoint therapy rather than a supervised visitation setting."

Ulaine Howard then stated that Nohl offered to provide therapy for the father and daughter along with Cathi Messner, L.C.S.W., the child's

psychotherapist. Howard stated that he then spoke to the child's therapist, Messner, who told him it would be improper for Nohl to conduct the sessions with her. "She stated it would be inappropriate for the father's therapist to provide this therapy."

In the meantime, Dr. Jeffrey Miller, (cited in the next section of this report for questionable evaluations) was ordered to do an evaluation. His report shifted focus from the child endangerment issue to the mother's background. He stated that she had been sexually abused by her family, and that this was a key to understanding the problems with the family. Because the mother was sexually abused, Dr. Miller concluded that this experience could make the mother prone to be distrusting of the reunification process between father and daughter.

On December 13, 1991, an incident occurred in which the mother advised the judge that the father had openly confessed to sexually molesting their daughter, to one of the therapists at Parents United. The mother claimed the therapist told her that this occurred. She requested a court hearing on all visitation orders. However, the therapist then denied she heard this, however, and shortly after this incident, the court apparently decided to start visits between the father and child to take place at the molester/father's parents' house. At that point, the mother decided to flee the country with the child. A man from another treatment center apparently became personally involved and accompanied them out of the country. When she returned to the United States seven months later she was arrested. The child was immediately placed in foster care, and then transferred to her molester/father and his wife.

A new order was then issued by Judge Talmadge R. Jones. His order was in contradiction to all previous findings. Judge Jones stated that the child was probably not molested after all. He ordered the child to live with her father and step-mother. The order stated in part:

> It is extremely unlikely that the minor was even molested by her father or stepmother. Over time, various therapists in this case concur that the father has always put his daughter's welfare and interests above his own, atypical of the profile of adult male molesters." Judge Jones further stated that, "It is far more likely, in fact quite probable, that the child's disclosure of molest, giving rise to this dependency were generated by the mother, who was herself a victim of child molest. In the past the mother has harbored ill will toward the father. She has vigorously contested his paternal rights in both this Juvenile Court and the Family Law department which handled their divorce.

But the testimony at the actual hearing paints another story. The lawyer

for the child said that the Juvenile Court would look bad if Family Court found out that they had paced the child with the "molester father." The lawyer for the child, Michael McDonough, stated:

> Some of the judges down there [Family Court] -- it is very difficult for them to realize what goes on out here [Juvenile Court]; and I can see a Family Law court judge getting this case, if it's terminated here, and saying with the mother in court, 'Oh, my god. They have given the child back to the molester father,' and not looking at any other -- anything else. I have had that happen on another -- at least one case a couple years ago and we went round and round for a long time. [22] **(Ex 29)**

In a third, separate case, a mother named Karen Pardee, who was interviewed for this report, also gave a chilling report of Nohl's requirements for victims. Pardee said that Nohl came to hate her because Pardee told her she didn't like child molesters. In this case there was also a "no contact " order for the father, stemming from the Welfare Code charges that the father posed an immediate danger to his child. Sexual abuse allegations had been substantiated and corroborated by medical findings. Yet, Nohl turned the findings on their head, by espousing that the mother was coaching her child. In this case, correspondence shows that Nohl wrote to the court, saying that Pardee was the problem because she was "alienating" the child from her father.

When she was asked, Marsha Nohl acknowledged that she doesn't follow cases after treatment ends. She apparently has no way of knowing if her treatment is effective after the molester leaves the program. "We do not formally track or monitor the lives of any our clients once they leave counseling, " she stated. Nohl apparently feels confident enough in her assessments to recommend molesters in custody decisions. For example, on November 1, 1996, under cross-examination by attorney Steven Wessels, Marsha Nohl testified to the following:

> Wessels: If you were to receive evidence that convinces you that the father did molest these children, outside, independent evidence, what would you do? I f you came to the unshakeable belief that he did molest these children?

[22] Petition No JV202527, Superior Court, County of Sacramento, Juvenile Court, Honorable Talmadge R. Jones, Presiding Judge, Department B. Transcript is dated as March 31, 1992, and November 2, 1992. Quote from page 29, line 14

> Nohl: Again, I would deal with what the children's belief is, where they're at , what they feel. I'm used to putting kids and their perpetrator fathers back together again. [23]

Her actions raise a disturbing question: Is real healing taking place, or does the healing boil down to Marsha Nohl taking sides by aligning herself with the alleged molester/parent through an attack on the other parent with the discredited theory of "parental alienation?"

Questions about A.F.T.E.R. and Nohl's financial dealings

Marsha Nohl had a co-director named Ralph E. Rast, who was in a position as a clinical supervisor at A.F.T.E.R. (Associated Family Therapy for Effective Recovery) until he got in trouble with licensing authorities for sexually harassing the trainees, among other things.

The California Board of Behavioral Sciences, under the state Department of Consumer Affairs, which licenses marriage, family and child counselors, brought charges against Rast. The written complaint states that he engaged in sexual relations with a client, a mother whose child had been sexually abused by the father. He had "kissed her on the mouth and neck," according to documents provided by the Board. Additionally, in separate incidents, two trainees at A.F.T.E.R. accused Rast of sexual harassment. In another charge, Rast told a client that he himself had not been sexually molested as a child. The client did not want a therapist with a background of molest. But Rast later told a group at the treatment center that he had had an experience when he was a youth that he likened to rape.

The charges described above were pending against him, when Ralph Rast agreed to admit to sexual harassment of the trainees, and misrepresenting his background to a client. This was the civil equivalent of a plea bargain. The Board dropped the specific charge that he engaged in inappropriate sexual behavior with a client, and he did not admit to that.

In 1997, Rast admitted to "grossly negligent" conduct that was "unprofessional," according to documents provided by the California Board of Behavioral Sciences. [24] His licensed was suspended for 35 days, and he received probation for 7 years. Rast no longer appears to be associated with the

[23] Case No 94 FI 0084, Donald Hoverson vs. Karen Hoverson (Anderson) Reporter's Transcript of Proceedings held in Superior Court of the State of California on Friday, November 1, 1996, before Judge Harold Bradford, pages 34 and 35.

[24] Board of Behavioral Sciences Case number MF-91-267

A.F.T.E.R. program.

In the course of this investigation, questions have surfaced about Marsha Nohl's financial dealings. She is listed as the president of the nonprofit treatment center, A.F.T.E.R. According to Nohl's 990 tax filing for A.F.T.E.R. in 1997, she accepted nearly $500,000 in Medi-Cal reimbursements. (Medi-Cal is the name of Medicaid program, for poor people, in California.) **(Ex 12)** But this author contacted Medi-Cal, and there are no records in the master list of Medi-Cal providers showing that Nohl is listed as a Medi-Cal provider. Nohl has a master's degree, and a marriage and family counselor degree, and those degrees do not meet qualifications for provider status, according to the licensing authorities.

An unnamed Medi-Cal investigator with the State Attorney's office said it's possible that Nohl is either misusing someone else's Medi-Cal provider number, and passing herself off as a provider. Or, she might be legitimately receiving supervision from someone who is qualified as a Medi-Cal provider, and using that number.

When asked about her provider status number, Marsha Nohl stated that information was included in her 990 tax documents, although she did not indicate where.

The next section of this report examines the conduct of Dr. Sidney Nelson and his professional partner, Jeffrey Miller, Ph.D., and Leatham, who all utilize Gardner's views, and who all employ patterns of distortion, omission and misleading statements strikingly similar in pattern to Ralph Underwager's flawed work, cited earlier.

SECTION FOUR: A REVIEW OF EVALUATIONS BY PSYCHOLOGISTS NELSON AND MILLER

Dr. Nelson and Dr. Miller were individually appointed by judges as evaluators in the following seven cases in Sacramento and Placer Counties. In all the cases, the child's safety was at issue, due to the possibility that the father was sexually or physically abusing the child, or was abusing alcohol that endangered the child. The cases show a distinct pattern: Dr. Nelson and Dr. Miller completed the tasks in what appear to be proper ways. They conducted interviews of the father and mother, administered personality tests, and reviewed documents. But a review of the evaluations, court documents, affidavits, and correspondence, reveal a pattern of significant omissions, distortions, selective information, and misinformation, all on the side of the alleged abuser. In all the cases, with the exception of the first case below, these evaluators used the discredited "parental alienation syndrome" or "parental alienation" to shift the focus from the child's safety to making the mother into the problem.

Please note: the author attempted to obtain interviews with both the mothers and fathers, where names are used. Where initials and case numbers are used, the author did not interview the father or the mother, and the information is based strictly on court documents and public material.

Miroth vs. Klossner

The written evaluations in this case reveal that Dr. Sidney Nelson's claims were the opposite of what the previous evaluator, Dr. Bruce Ebert, Ph.D., J.D., had actually written. But the issues go further than Dr. Nelson's miscast statements that proved to benefit the alleged abuser/parent. A child's safety is still at stake. New information on this case confirms the mother's claims that the child was being mistreated in the care of the father. Would a parent who has been hitting a child with a belt and leaving belt marks be suitable when the other parent is available and has never been accused of physical abuse or neglect? Would an adult male sleeping naked in the bed with his 7-year-old child be suitable, especially when that parent showed evidence of a serious drinking problem? Or, would the parent who repeatedly called Child Protective Services to complain about abuse be considered unsuitable because she was perceived by authorities, including Dr. Nelson, to be turning the child against the father?

Cynthia Klossner and Vernon Miroth had a child together in 1992, but the couple's relationship did not last. Cindy Klossner, who was the primary caretaker of the child, complained that Vern Miroth was abusive and alcoholic. Klossner also had a 13-year-old daughter from a previous marriage. She

became concerned after one incident in which Miroth, who was 51-years-old, allegedly showed Klossner's teen daughter pornography, gave her beer to drink, and had allegedly bit the teen on her breast. The girl complained to authorities, and the incident was confirmed in a psychological report produced for the court by Bruce Ebert, Ph.D., J.D. Dr. Ebert had noted that this child was a "very credible witness." But the Sheriff decided not to prosecute.

In 1994, the Placer County Superior Court awarded Klossner physical custody of their three-year-old daughter. But Klossner was worried about her younger daughter's safety with the child's father during visits.

Cindy Klossner, a Health Unit Coordinator, reported alleged sexual abuse of her daughter to Placer County Child Protective Services (C.P.S.) but her complaints were not taken seriously. The abuse issue was treated as "a custody dispute." The issue of the child's welfare was sidelined, as C.P.S. turned their focus on Klossner as the perceived problem. Senior Deputy Probation Officer / Court Investigator Jennifer Keck stated in her report, in part: "The investigator is troubled by the fact that Ms. Klossner is agreeable to visitation at some times, however not at others. She is not consistent in her behavior. She has allowed liberal visitation in her home, and in fact has offered 'make-up' days when she has to work late." [25]

Dr. Bruce Ebert, Ph.D., J.D., who is a lawyer and forensic evaluator, was appointed by the court to evaluate the family. Dr. Ebert investigated and learned that according to court records, Miroth had never received any psychiatric treatment for what seemed like a serious drinking problem. For instance, in 1986 he had been convicted of driving under the influence of alcohol (DUI). There was also a "significant family history of alcoholism," according to the court reports. Bruce Ebert, noted in his 1995 report that, "When I called Vern late in the evening at the beginning of the examination, his speech was clearly slurred. . . ." Dr. Bruce Ebert had also found that Vern Miroth also scored very high on the "dependency " scale of one the M.M.P.I., (Minnesota Multiphasic Personality Inventory), a personality test, which Dr. Ebert interpreted as a propensity toward substance abuse. "There is enough credible evidence of a possible problem with alcohol that some steps should be taken to deal with this problem," Dr. Ebert wrote.

There was another reason why Vern Miroth could have needed help, according to Klossner. He had a horribly violent tragedy that he had never dealt with, according to Klossner. In 1978 Miroth's ex-wife, Evelyn, and their six-year-old son, Jason, were the victims of a random, gruesome killing by Richard Trenton Chase, known as the "Vampire Killer of Sacramento." Miroth's two

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[25] Case number SDR 8225 Report of the Probation Officer, November 21, 1994

other children were away at school at the time of the killing. Miroth was left to raise his two children, after their mother's death. Miroth never took them for any psychological treatment to cope with their mother's death, Klossner said. Miroth's daughter eventually turned to cocaine and methamphetamines, which was documented in court reports.

On November 22, 1995, Dr. Ebert recommended physical custody of the then-three-year-old child to Klossner, and noted Miroth's need for alcoholism treatment, in his report to the Juvenile Court. The following year, in 1996, Dr. Sidney Nelson was appointed by the court to reevaluate the family.

Dr. Nelson's claim:

> "He [Dr. Ebert] believed that Vern clearly had an alcohol abuse problem in the past although it was somewhat unclear as to whether there was a current drinking difficulty." [26] **(Ex 13)**

Dr. Ebert's actual statement:

> "Finally there is evidence of an alcohol problem. Vern is clearly well defended and does not want to admit he has a current alcohol problem. There is some evidence of such noted above. I think it is prudent to require some alcohol assessment and treatment across time. . . ." [27]

Any unsuspecting judge reading Nelson's report would be led to believe by Nelson's claim that the man's problem might be in the past, and that Dr. Ebert didn't know if the man had a current drinking problem or not. But a review of the original report by Dr. Ebert shows that Dr. Ebert had concluded the opposite: that Miroth had a current drinking problem, and that he was in need of treatment to control alcohol abuse. **(Ex 14)**

<u>What Dr. Nelson Concluded about Cindy Klossner:</u>

While Nelson discounted the father's problems, he claimed that Klossner was a "flight risk" -- that she could take off with the child -- and therefore she

[26] Dr. Sidney Nelson's child custody evaluation report, August 22, 1996, page 28, last paragraph.
[27] Dr. Bruce Ebert's child custody evaluation report, November 22, 1995, page 27.

was not to be trusted unless a third person were there to supervise her visits. But an inspection of his evaluation shows there is no proof other than the father's word, offered to back this claim. Dr. Nelson took the father's unsupported claim as true and then Dr. Nelson apparently adopted this unsubstantiated accusation as his own opinion. His written evaluation is available upon request. **(Ex 15)**

On March 26, 1996, the child was forcibly separated from her mother when Placer County's Judge W. Jackson Willoughby awarded custody to the child's father who has had the child ever since. Judge Willoughby would later raise eyebrows after public allegations from two court employees that he sexually harassed them. **(Ex 16)**

Did the abuse continue?

On September 12, 1999, Cindy Klossner and her daughter had stopped to pick up an Avon order from a woman named Yvonne Pashenee, who was married to John Pashenee, a retired Sacramento County Sheriff. Cindy left the child with the Pashenee family while she went to get a battery for her car and pick up some ice cream for her child. While Klossner was away, the child opened up to Mrs. Pashenee and said she didn't want to go home to her dad because, as Mrs. Pashenee wrote, "He hits her and yells at her." Mrs. Pashenee, who documented the incident in a letter she and Sheriff Pashenee signed, continued: "Then she told me he walks around the house with no clothes on, and makes her sleep with him naked. When I asked how often she sleeps with him, she said he makes her sleep with him every night." Placer County Sheriff Department was notified and sent Deputy R.S. Neild to take a report. C.P.S. was called then by the Deputy at the scene and she explained the situation to C.P.S. worker Gina Shurte. The child recognized the worker who sharply stated: "Do you remember me?" Mrs. Pashenee wrote what happened next in the letter:

> The child's eyes opened wide and she became very frightened. then the C.P.S. worker and the officer took [the child] aside and told her they were taking her into custody and up to the Auburn Receiving Home. She could not see her mother for a very long time. [The] child immediately grabbed her mother and started crying uncontrollably and wouldn't let go. She screamed she didn't want to go with them and she didn't want to live with her dad. her mother, Cindy became emotionally

> distraught crying, and she tried to soothe [the child] but didn't receive any consideration of any kind from the C.P.S. worker. The C.P.S. worker had her mind made up to some preconceived concept of the situation."

The letter ended with Mrs. Pashenee stating that the mother had not even been present at the house at the time Mrs. Pashenee called the Sheriff's Department, and was unaware that the Sheriff had been called.

This author was shown photos identified as Klossner's daughter that have what appear to be long red marks across the top of the legs and around the thighs, as though made by a belt.

The father, Vern Miroth, who is a lithographer for the state of California, was interviewed for this report. He voiced suspicion about the motives of the interviewer, and accused the mother of turning the child against him. "The child was so misused by the mother that child protective services took away the mother's rights and gave them to me. I've had complete custody of my child -- physical and whatever," he said.

Miroth continued: "The mother has harassed me and has done everything she can to cause trouble." He said he was very suspicious of "what the mother could do." When asked what he meant, he wouldn't say, and did not want to answer any more questions. "My case is too involved. . . .It's too fragile. I have my daughter. Everything is fine. The mother now has unsupervised visitation. I would like for her to have unsupervised visitation but I don't want it to get ruined in any way, which it has in the past." When asked what he meant, Miroth said, "She tries to turn my daughter against me, and it's worked for her until she gets -- " Miroth was interrupted by the child, and at that point, got off the phone.

Early in the year 2000, Eugene Roeder, Ph.D., of Auburn California, conducted a new psychological evaluation of the family for the court. Dr. Roeder wrote in his report, dated February 11, 2000, that Miroth had struck his daughter and left belt marks on her body. Roeder also stated that Miroth had been sleeping naked with his seven-year-old daughter in the same bed. While Miroth's behavior was "inappropriate," according to the evaluator, he was not recommending a change of custody at this time. "Vern Miroth has made some recent serious errors in his parenting of this couple's 7 year old daughter in hitting her with a belt and sleeping with her while he is nude. When these errors were brought to his attention, he appropriately corrected his behavior, and there have been no further problems in these areas." **(Ex 17)**

The W. case (FL 906104)

In this case, the daughter of Mr. and Mrs. W. began exhibiting several behavioral symptoms of child sexual abuse:

- At age four, the child had recurrent vaginal infections, and she excessively masturbated.

- At daycare, the child was observed scratching and rubbing her vagina.

- Following visits with her father, she would go into rages.

- The child made verbal reports of the abuse to a therapist, Dr. Candice Adams, who reported it to C.P.S..

- C.P.S. conducted its own investigation, interviewing the child, the pediatrician, and others, and concluded that the child had indeed been sexually abused.

- A therapist at the agency, A.F.T.E.R/Parents United would later state that the child's drawings, one indicating a dead baby, showed that the child was possibly having a reaction to being sexually abused.

The findings of abuse were presented to the Office of Family Court Services. Based on the recommendation of the Office of Family Court Services, the findings by the Child Protective Services, and the child's therapist, that the child had been molested, the Sacramento Superior Court on September 29, 1992, awarded custody of the child to her mother. The judge ordered that the father receive supervised visitation, that he needed the presence of another adult, to ensure the child would not be further abused.

The mother and child were court-ordered into therapy at the A.F.T.E.R./Parents United agency, run by Marsha Nohl, M.A., M.F.C.C.. After the findings by C.P.S. that substantiated the sex abuse allegations, the judge presiding on this case apparently ordered a second, independent evaluation of the molest charges to be conducted by Dr. Sidney Nelson, who stated in his written report that it was his understanding that he was to make an independent opinion as to whether the child was sexually molested. It was also his job to make a recommendation as to a custody and visitation plan.

On In June 14, 1993, Dr. Nelson issued his evaluation. A review of his evaluation shows Dr. Nelson did not contact the agencies that investigated and substantiated the sexual abuse charges. The agencies Dr. Nelson did not contact included: Children's Protective Services (C.P.S.), the agency that substantiated the abuse allegations; and Family Court Services, the court agency that had the C.P.S. reports and recommended that custody go to the mother, based on findings of abuse.The police had also filed reports about the allegations, and an investigating officer had his own conclusions, but Nelson did not review the police reports either, he admitted later, according to his statements made under oath at a deposition. (Excerpts from the deposition follow later in this section.)

The crucial information cited above was missing from Dr. Nelson's assessment because he chose not to include it. Dr. Nelson was additionally provided with information that Gary W. was confirmed as a sex addict and had been treated for this problem in individual and group therapy, according to court documents. But rather than investigating further, Dr. Nelson failed to contact the father's therapist, who had first-hand information about the father's alleged sexual addiction. Mr. W. also had problems with alcohol; he had been arrested for driving under the influence of alcohol in 1984.

In his report, Dr. Nelson concluded that the allegations against the father were fabricated by the mother. Dr. Nelson accused her of "parental alienation syndrome."

Dr. Nelson acknowledges his failure to contact C.P.S.

When later questioned during a deposition by the mother's attorney, Dr. Nelson acknowledged that he did not contact the crucial first-hand sources cited above, such as the police department, who had investigated the abuse allegations. A partial transcript of the May 18, 1995 session, reveals the following:

> Jill Demmel (mother's attorney): Did you review the police reports in this case?
>
> Dr. Nelson: I don't remember.
>
> Jill Demmel: That would be in documents reviewed [section of his report]?
>
> Dr. Nelson: I don't recall. I probably didn't because I don't

remember doing that.

Jill Demmel: In a sexual molest case, why wouldn't you review the police report to see what the investigating officer's opinion was?

Dr. Nelson: I don't recall why I didn't have the police report.

Jill Demmel: Okay. But if I don't find a reference to it in this documents reviewed section then I can assume or we can all assume that you didn't review it?

Dr. Nelson: Correct. . . .

Jill Demmel: Did you review — I think you already answered this, but I can't recall. Did you review the C.P.S. report?

Nelson: I don't remember reviewing those records.

Jill Demmel: Were you aware that C.P.S. had substantiated the allegations that she had found it t o be substantiated?

Dr. Nelson: That's what [name redacted] told me, as I remember.

Jill Demmel: Were you aware that the mother in this case had complained on a number of occasions that the child was being brought home without underclothing on?

Dr. Nelson: She told me that, yes. . . .

Jill Demmel: Why wouldn't you, when you had a substantiated report from C.P.S. and you know that Family Court Services at least had the records, why wouldn't you have talked to the counselor?

Dr. Nelson: I don't know. I just didn't in this case. And it's been my experience over the years that try or not try, all you are getting is a verbal summary of what somebody else summarizes to you I mean its--

Jill Demmel: But Dr. Nelson, isn't your entire report a verbal summary of what somebody else tell you, with the exception of the MMPI and the psychological test that you take? Isn't that exactly what this 45-page report is?

Dr. Nelson: Yeah, it is a lot of it.

Jill Demmel: So the agency that's charged by the court of — County of Sacramento to make assessments on child abuse cases at the initial stage of the case, isn't that important in a sexual molest case?

Dr.Nelson: Yes, if I could see the actual reports of questions asked and how it was done, that would be important.

Jill Demmel: But you do a lot of these reports in Sacramento County, correct?

Dr. Nelson: Yes.

Jill Demmel: And you know that those records are very difficult to get, correct?

Dr. Nelson: Yes.

Jill Demmel: So any information that you could get from a reliable source regarding what's contained in those records would be important to an evaluation of whether or not molest occurred wouldn't it?

Dr. Nelson: If there was specific information, yes.

Jill Demmel: Okay. And we don't know, do we, whether there's specific information in the C.P.S. report?

Dr. Nelson: No. My assumption is that what — my assumption is what Family Court Services has is a verbal report that this was substantiated, not how this was substantiated.

Jill Demmel: But we don' know that?

Dr. Nelson: We don't.

Jill Demmel: We don't know that because you didn't talk to Family Court Services.

Dr. Nelson: Correct.

Why would Dr. Nelson fail to review the primary source of abuse findings? Why would he fail to contact C.P.S., the police, or Family Court Services to find out how they came to their conclusions?

One possible reason is this: If Dr. Nelson were to include their findings, he would have then had to present the possibility that the father did commit the molest, as the agency had found. The explanation of why he might have had an interest in withholding or suppressing this information remains unclear.

Following Dr. Nelson's startling admissions in the deposition session, the mother's attorney, Jill Demmel, quickly contacted the Judge Charles C. Kobayashi, who was presiding over the case. The lawyer asked the judge to keep the supervised visitation in place for the father, given that Dr. Nelson admitted that he did not investigate the primary sources who substantiated the allegations, that the child had indeed been molested by her father, according to those sources. In the letter, dated May 12, 1995, Demmel wrote in part:

> Of interest and concern were the admissions by Dr. Nelson that he did not review the C.P.S. reports, did not speak with the Family Court Services counselor, and did not review the records of Reva Camiel, the father's then therapist. When confronted with Dr. Camiel's records and notes, Dr. Nelson admitted that Mr. W. had been less than candid regarding his alleged sex addiction and his denial of abuse as a child. Dr. Nelson further indicated that had he seen the records and reviewed them at the time of the original 730 report, he would have done more investigation with the father regarding the risk of sexual molest.

This author contacted Judge Kobayashi's office, but he sent word, through an intermediary, that he declined to be interviewed.

Forensic psychologists are supposed to follow the A.P.A.'s guidelines for Child Custody Evaluations in Divorce Proceedings. The guidelines specifically state the following in item #11:

> 11. The psychologist uses multiple methods of data gathering.
>
> The psychologist strives to use the most appropriate methods available for addressing the questions raised in a specific child custody evaluation and generally uses multiple methods of data gathering, including, but not limited to, clinical interviews, observation, and/or psychological assessments. Important facts and opinions are documented from at least two sources whenever their reliability is questionable. The psychologist, for example,

> may review potentially relevant reports (e.g., from schools, health care providers, child care providers, agencies, and institutions). Psychologists may also interview extended family, friends, and other individuals on occasions when the information is likely to be useful. If information is gathered from third parties that is significant and may be used as a basis for conclusions, psychologists corroborate it by at least one other source wherever possible and appropriate and document this in the report.

Dr. Nelson also apparently violated California's rules of court for evaluators. Rule 1257.3. adopted under article VI, section 6 of the California Constitution and Family Code sections 211 and 3117, states that psychologists who serve as court-appointed evaluators, are required to look at police records, and history of child abuse, domestic violence, substance abuse, and psychiatric illness, among other things.They also must look at the history of the [parent's] involvement in caring for the child. The evaluator must also maintain objectivity, and control for bias. If the evaluator does not adhere to these rules, they can be challenged in court, and removed from the case. The evaluation and deposition transcript are available upon request as **(Ex 30)**

Tornes vs. Brown

This case, which is currently still in the courts, offers an example of Dr. Nelson providing apparently misleading information to the court, with tragic results for the child. She was torn from her mother and placed with her father, upon Dr. Nelson's recommendation. But the child wasn't safe in the care of her father, according to authorities who removed her from his home. At the time of Dr. Nelson's investigation, the father's parental fitness was in question, not solely on the basis of child abuse allegations, but due to drinking problems, past violence, and a large, allegedly unlocked collection of weapons.

To see if certain claims by Dr. Nelson in his evaluation of the child sexual abuse in this case had validity, this author asked two forensic psychologists, who are both recognized experts, to examine some of Dr. Nelson's written statements. Additionally, this author obtained correspondence from a third mental health professional, Dr. Linda Barnard, who, in the process of reevaluating the mother, reviewed Dr. Nelson's evaluation. Dr. Barnard cast further doubt on Dr. Nelson's findings particularly in domestic violence and child sexual abuse cases. Given the conclusions by these three reviewers, Dr. Nelson's conduct appears unethical, to the detriment of the child.

A summary of events leading up to Dr. Nelson's appointment are related below:

Monika Tornes and Kenneth Brown had a short, two-year marriage which produced a baby daughter. In 1995, Monika Tornes filed for divorce, after complaining that her husband was abusive to her. She had to file a restraining order against him. But she decided to attempt a reconciliation, and he would intermittently sleep over at her house. It was during one of these occasions, on January 12, 1998, that the couple's three -year-old child told her mother that her father had molested her. The child stated that her father had "reached into her pee pee and pulled out a spider."

Monika took the child to a pediatrician, Dr. Gogo. The exam was normal, but during the course of it, the child disclosed the alleged abuse to the pediatrician, who was then required by law to report suspected child abuse. Two days later, a Child Protective Service worker, Paul Leuneberger, interviewed the child and, using anatomically correct dolls with the child, Leuneberger substantiated the molestation. A day later, on January 15, 1998, the mother filed for custody in Sacramento Superior Court.

Family Court referred the couple to a mediator, who recommended "no contact" between Kenneth and their daughter, until a further investigation . On February 11, 1998, Kenneth agreed to supervised visits with the child. The child later disclosed to Monika's psychotherapist that Ken showed her his penis. In response, the psychotherapist contacted Child Protective Services. The C.P.S. worker told Monika that her daughter would be removed from the home if any contact was allowed between the father and daughter.

On October 5, 1998, Kenneth Brown lost control of his temper during one of the supervised visits, and the supervisor terminated the session. The supervisor reported the three-year-old child made sexual comments to her father on numerous occasions, in the presence of the supervisor.

In late 1998, Dr. Sidney Nelson was appointed by the court to do the psychological evaluation of the family to recommend a parenting plan.

<u>What did Dr. Nelson conclude about the Child Protective Services findings that the child was molested by her father?</u>

Dr. Nelson threw doubt on the validity of the findings by C.P.S., claiming that the C.P.S. investigator, Paul Leuenberger, M.S.W., had used anatomically correct dolls, which Dr. Nelson said invalidated his report. Dr. Nelson wrote:

"Related to the use of these dolls, it is now generally the consensus among forensic experts that the use of anatomical dolls can cause significant

difficulties in terms of the validity of a child's interview." [28]

Was Dr. Nelson's claim about anatomically correct dolls true?

Any unsuspecting judge would draw the conclusion that the C.P.S. investigation was not to be believed because of Dr. Nelson's claims of a "consensus" by the mental health community that the use of anatomical dolls renders child sexual abuse investigations invalid. Are his claims true? No. Not according to the research literature or the views of national expert, Dr. Robert Geffner, a recognized authority on abuse issues.

Dr. Geffner, who does not know Dr. Nelson, stated:

> His [Nelson's] statement is not accurate, is not supported by research, and is misleading. The research indicates that the dolls, when used as demonstration aides according to appropriate guidelines help children better explain and show what happened to them (if something did). The research actually indicates that the use of the dolls tends to facilitate disclosure and peripheral details better than without their use, and that their use did not produce false allegations or sexualized behavior.

Dr. Geffner, who trains judges at the National Judicial College in Reno, Nevada, concluded:

"It appears this psychologist, who I do not know, is not adequately trained in [understanding] child abuse , and probably should not therefore be doing these evaluations. . ."

Also contrary to Dr. Nelson's claims, the consensus in the mental health community does not support his position. In the hands of a properly trained professional, anatomically correct dolls are a useful tool to assist children in remembering and communicating, but they are not a diagnostic test, according to a widely accepted educational curriculum for judges, produced jointly by The National Judicial Education Program to Promote Equality for Women and Men in the Courts and the American Bar Association Center on Children and the Law.

It is important to note that American Professional Society on the Abuse of

[28] page 30 of Dr. Nelson's evaluation

Children Practice Guidelines do warn that the child's interaction with the dolls should not be used as the sole factor to form the opinion the abuse had happened. But this was not the case with the Brown child. The dolls were not the only basis for the C.P.S. investigator's conclusion. The C.P.S. investigator also based his conclusions on an interview with the child who verbally disclosed the abuse during the interview, according to Dr. Nelson's own report. The C.P.S. interviewer wrote that the child's father "pulled a spider out of her pee pee," and that this happened while the father was in bed with his daughter.

What did Dr. Nelson learn about Kenneth Brown?

During an interview with Kenneth, Dr. Nelson learned from Kenneth himself, that he was prone to alcohol abuse. He also learned from reviewing documents that Ken had served time in jail for driving under the influence and that it was a hit-and-run offense. He learned that Kenneth was currently on probation for the offense. He learned that Kenneth was capable of losing his temper, to the point where a visitation-session with his child had to be terminated by the supervisor. He learned that Kenneth had attended anger management classes, and that Monika had filed domestic violence restraining orders against him. He learned that Kenneth maintained a large gun collection. People whom Dr. Nelson interviewed told him that Kenneth kept guns strewn about the house in front of the infant.

What did Dr. Nelson conclude about Kenneth Brown?

Given all the information, what did Dr. Nelson conclude? He wrote: "I do not believe Kenneth is a danger to his daughter."

In the next sentence, Dr. Nelson did address the gun issue, but sought to reassure the reader that Kenneth promised to keep the guns locked up. Dr. Nelson wrote: "However, there is also the issue of the father's weapons which he keeps in his home. Although he does have multiple and potentially dangerous weapons at his home, he assured this examiner that the weapons are basically "double locked," and he reported that any weapons he possesses are in a locked gun cabinet, in a locked closet."

True to his pattern of omitting negative information about the alleged abuser, Dr. Nelson took Kenneth at his word, and discounted the information from others who warned that Kenneth does not lock his guns and would keep them in open view of the baby, as documented in photos obtained by this author.

What did Dr. Nelson learn about Monika Tornes?

Dr. Nelson noted that Monika Tornes was well-educated, had no criminal background, no history of violence, and had not ever been accused of neglecting or abusing her child. He was told that she was afraid of Kenneth, and that in the past, she had to get a restraining order against him. He also noted that the child was primarily bonded to her, not to Kenneth.

What did he conclude about Monika given the information cited above and what he had learned? In Dr. Nelson's opinion, Monika Tornes was not to be trusted because she could potentially become an alienator. How? Since, in Dr. Nelson's view, the child was not abused, Monika wouldn't agree with him. Therefore, she could still believe her daughter was a victim of sexual molestation, hence the possibility that at sometime in the future she would alienate the child from her father.

Dr. Nelson wrote: "[I] believe that this matter has a very high risk of evolving into a parental alienation situation. [The child] is too young at the present time to become actively involved in alienation from her father, although if these actions by the mother persist, [the child] will become a victim of being alienated from her father. I would also conclude that in all likelihood, Monika will not be satisfied with the conclusions from the present evaluation, and I believe that she will continue to believe that her daughter is a victim of sexual molestation. . ." The evaluation is available for review as **(Ex 18)**

Monika Tornes goes on the run with her daughter

On November 13, 1998, just three days before Dr. Nelson completed his written report, Monika did something drastic, out of fear. Complaining that she had been stalked by her husband, she fled the country with the child, believing that her child was not safe. Monika said she had not seen Dr. Nelson's report for it had not yet been issued to the court. She didn't know that Dr. Nelson's report called for the child to undergo a three-phase plan that would result in unsupervised, overnight visitation with the father.

Monika and her child were on the run for three months. Then on February 21, 1999, Monika and her child were caught returning to the United States. At the San Francisco airport, Monika's child was literally ripped from her arms while she was held down by two uniformed police officers and Placer county D.A. Investigator, she recalled.

The child was immediately placed in the custody of her father with the provision that he remain at his mother's home with her. But authorities should

have known that the placement of the child with the father was not in the child's interest. Just one week earlier, on February 13, 1999, the Placer County police had been called to the home of Ken's mother. Brown had allegedly assaulted her.

A portion of the Roseville Police Department "Continuation Report" states: "Murphy, who is Brown's daughter, advised she received a telephone call from Brown approx. 2230 hrs. She said Brown was hysterical stating that Kenneth was drunk and yelling at her. Brown continued, stating that Kenneth had grabbed and injured her wrist when she attempted to call the police. . ."

On March 1, 1999, the judge presiding on the case asked Dr. Nelson to reevaluate the case. Correspondence from the judge indicates that Dr. Nelson knew about the alleged assault. But an examination of Nelson's reevaluation shows he chose not to include this information in his report. Dr. Nelson wrote to Judge Ohanesian, on March 1, 1999: "The court requested that I review two Investigation Reports by the Placer County District Attorney's Office and provide a brief updated recommendation regarding custody and visitation issues now that the child is in her father's custody. . . . I believe that [the child] is safe in the care of her father." **(Ex 19)**

The child was not safe, however. Within three weeks of obtaining custody of the child, Kenneth Brown was arrested at his home for allegedly beating his mother. The police reports describe a bloody scene, and that the child had been exposed to the alleged violence. When the police officer from the Roseville Police Department, arrived at the scene, he described the following in his "Supplemental Report": "I could see numerous cuts and bruises all over her [the grandmother's] hands, forearms, face and lower legs. Her left hand had a hematoma on the back of it that had caused her hand to swell to the size of a softball. She had open lacerations to her head. . ." **(Ex 20)**

Authorities removed the child from the home, and she has since been languishing in foster care. Her mother, Monika Tornes, awaits more hearings to regain custody as the wheels of justice grind ever so slowly through Sacramento Juvenile Court.

Another mental health professional reviews Dr. Nelson's report

It is important to note that last year, Dr. Nelson's evaluation of the family was reviewed by Dr. Linda Barnard, Ph.D., who reassessed Monika Tornes for her suitability as a parent. Dr. Barnard, who is a marriage and family counselor with a doctorate in counselor education, criticized Dr. Nelson's findings in his evaluation for his failure to assess the impact of domestic violence on Monika, or the apparent fact that her husband fit a batterer profile. In her report dated

September 12, 1999, Dr. Barnard wrote, in part:

"While Dr. Nelson mentions allegations of domestic violence, he appears to consider very little about this impact in his conclusions. It is interesting to note, that the results of the psychological evaluations he conducted on Monika and Ken demonstrate characteristics consistent with Battered Woman Syndrome and Batterers profiles."

In the case described next, Dr. Nelson was not authorized by the court to be involved in making a custody recommendation. His role on the case was officially over for several months. Yet, on his own, he made a recommendation to change custody. An examination of the trial transcript reflects the same pattern evident in many of the cases: he made conclusions without verifying whether the information he received was true or false. By not checking to see whether the allegations were true or not, Dr. Nelson eliminated any possibility of having to report contrary evidence that could weaken the alleged abuser's case.

The Toumey Case

The Toumey case is shocking for the sheer number of professionals, teachers, and other concerned citizens who were convinced that the two-year-old child was being sexually abused by his father. Numerous credible individuals in the community became involved in individual efforts to protect the toddler from further alleged harm. In the course of a year or two, daycare providers at the child's pre-school contacted Child Protective Services more than *20 separate times* to report the boy's detailed descriptions of being molested, according to the owner of the pre-school, who was interviewed for this report, and according to a published news report.

There are many irregularities in this case, many of which came to the attention of the Sacramento Grand Jury in 1995. For example, in this case as in most of the others cited in this report, Dr. Nelson had diagnosed the child's mother, Josie Cohen, with "parental alienation syndrome" and concluded the abuse allegations were untrue.

Yet at the custody trial in 1994, the lawyer for the child read the C.P.S. investigator's report into the record, that the child's father had masturbated and ejaculated in front of the child -- which is a felony under California law. Inexplicably, that lawyer for the child then went on to recommend that the father be awarded custody, and Sacramento Superior Court Judge Peter McBrien concurred and ordered the child placed into the home of the father/perpetrator.

The Family Court litigation came to an abrupt halt after the child's mother, Josie Cohen, who was in her early 40s, contracted cancer and died in 1998.

The child was then placed in foster care, over the objections of the child's maternal grandmother, who was caring for the child at the time of the child's mother's death.

Two aspects of the case are examined here. First, Dr. Nelson, on his own, inserted himself into the case. He did this solely on the father's behalf, without any authorization by the court, according to Nelson's own sworn testimony in the trial transcript. Secondly, Dr. Nelson convinced Superior Court Judge Peter McBrien to change a custody order, based on unsubstantiated allegations contained in a letter that was written by the father. Again, Dr. Nelson's own testimony shows that he did not verify any of the allegations, but embraced them as his own conclusion. Was this unprofessional? Was this unethical? Yes, according to the experts. The ethical aspects will be addressed, but first let's turn to the custody trial on April 21, 1994.

During the cross-examination of Dr. Nelson by the mother's attorney, James Schenk, Dr. Nelson states under oath that he did not investigate whether the allegations in the father's letter were true or not. Under more questioning, Dr. Nelson then goes on to acknowledge that he was not authorized to intervene. The trial transcript states in part:

> James Schenk: [I] assume the letters that you got from Mr. Toumey [the father] via Miss Keeley, that's the only thing that's changed since the last time you saw these parties; isn't that correct?
>
> Dr. Nelson: That's the only information that I have obtained, yes. . . .
>
> James Schenk: Ever check out the accuracy of those pieces of information you received?
>
> Dr. Nelson: I did no further evaluation process at all after receiving the information.
>
> James Schenk: Why?
>
> Dr. Nelson: I -- when I -- when I did my first two evaluations, they were upon appointment from the Court, and I have had no further authorization from the Court to do that.
>
> James Schenk: Did you have an authorization from the Court to review that additional information and make a change in your recommendation?

Dr. Nelson: No. But --

James Schenk: Why did you do that, then?

Dr. Nelson: Why did I do what? Receive the information?

James Schenk: Yeah, why did you get involved again without being asked?

Dr. Nelson: Well, I knew I was being subpoenaed for this trial and reviewed the information that I had. . . .

* * * * * * * * *

James Schenk: Did you request any kind of independent review as to whether or not that information was accurate?

Dr. Nelson: No. . . .

* * * * * * * * * *

James Schenk: Did you make any attempt to independently verify the accuracy of either Mr. Van Eck's report, the accuracy of the assertions that you got from the letters from Ms. Keeley?

Dr. Nelson: No.

James Schenk: Is that because you weren't going to get paid for it?

Dr. Nelson: I didn't see any need to do that. I mean, Mr. Van Eck has submitted reports. I was given those and I reviewed them.

* * * * * * * * * *

James Schenk: Would the fact that Mr. Van Eck was found to be biased by Dr. Kinsey [not Alfred Kinsey] affect your view of his reports?

Dr. Nelson: You know, for me to give an opinion on that, I would have to look into it in more detail than what I have. . .

* * * * * * * * * * *

James Schenk: [You're] willing to make a recommendation on a case that you have not really effectively dealt with since -- since November of 1993, after your report, on the basis of four groups of information that your received from the child's attorney, not being appointed by the Court, and not checking out the veracity or the bias involved in the material? did you feel comfortable making a change of custody recommendation just on that, alone?

Dr. Nelson: Based upon those -- those pieces of information that I have received, I feel comfortable making this recommendation.

James Schenk: And if they're either inaccurate or biased, do you feel that could affect your recommendation?

Dr. Nelson: It could, depending upon how biased they are. It could. I don't know that right know. All I know is what I have read and what I was given.

* * * * * * *'

James Schenk: And have you -- have you at any time asked for the other side of the story, or perhaps a rebuttal to this information?

Dr. Nelson: No.

A copy of Dr. Nelson's evaluation and a portion of the trial transcript cited above is available upon request as **(Ex 21)**.

In the opinion of Mary Stroube, a lawyer and ethicist who teaches at Cal State University, Dr. Nelson was acting unethically by making an unsolicited evaluation. He was also in violation by not getting any more information than one side's correspondence. She said that Nelson's own statements in the deposition transcript cited above show that he was violating the ethics rules for psychologists. "He was engaging in highly substandard practice -- making an unsolicited evaluation and causing an impact after custody of the child [had already been determined]." Stroube added: "It's pretty hard for him to equivocate, given the testimony."

Dr. Nelson admitted that he did not substantiate his findings. He merely echoed the unsupported allegations, adopting them as his own conclusions. Why?

The C. case (93FL2486)

The following facts were ascertained from examining Dr. Sidney Nelson's report to the court. Child sexual abuse allegations were at issue, the evidence suggested that the father had serious drinking problems. From reading Dr. Nelson's report, there was no question that the father had a drug problem, which raised the question of his parenting abilities. But Dr. Nelson chose instead to focus on the mother's so-called "alienating" behavior, without any proof to back up his claim.

D. and J. separated in 1993. According to the custody arrangements, the couple's children, a five-year-old daughter and three-year-old-son, were living with their mother and had overnight visits with their father. In May of 1993, the girl told her mother that her father was sexually molesting her.

On June 1, 1993, the child was examined by University of California at Davis Medical Center. A full, internal examination could not be performed after doctors discovered a labial adhesion on the child's genitals. Child Protective Services was contacted, and the child disclosed to C.P.S. workers, through the use of dolls, that she had kissed her father's penis. C.P.S. subsequently substantiated the abuse allegations as true. Patsy Zike, the treatment coordinator at Child and Family Institute, who had been seeing the child on a weekly basis, also believed the child had been abused. Moreover, a video tape interview of the child by the Multidisciplinary Interview Center, in Sacramento, was also made in which the child stated that her father had touched her vagina, while she was at her father's home. The child was also masturbating in front of the psychotherapist, and showed signs of regression and recurrent nightmares. Based upon this information from C.P.S., the agency recommended that the mother obtain sole legal and physical custody of the children, and that the father would visit the children, as long as a supervisor attended the visits to monitor his behavior.

In 1994, Dr. Sidney Nelson was appointed by the court as the evaluator to make a recommendation on which parent should get custody, and how the visits should be done. A careful examination of his evaluation shows that he did not contact or consult with any of the agencies or first-hand sources, named above, to determine the validity of the sexual abuse allegations. Dr. Nelson did not contact:

- Child Protective Services (C.P.S.)
- The two physicians who examined the child and found the labial adhesion
- Patsy Zike, the child's psychotherapist, Dr. Nelson said he attempted to contact Zike but said that he couldn't reach her because he believed she was no longer practicing. Yet he stated that he had reviewed letters from

Patsy Zike and one of these letters was dated on August 16, 1994 -- during the time that he was doing his evaluation. (Dr. Nelson wrote that he did his assessment between July and October of 1994.) Patsy Zike was the child's psychotherapist and from documents he gleaned, Dr. Nelson noted that Zike believed the child was molested.

By failing to contact the agencies to validate the findings, he wiped out the potential for any contrary evidence that he would have been required to include in his findings.

The father accused the mother of coaching and alienation. Dr. Nelson also concluded that the mother coached the child to fabricate the abuse. Yet no one Dr. Nelson interviewed in the report other than the father, said the mother was coaching the child. It is appears as if Dr. Nelson stated his conclusion as fact when he had no evidence to substantiate his claims.

By accusing the mother of alienation without having any evidence to back him up, Dr., Nelson seems to have violated the American Psychological Association's Guidelines for Custody evaluators which state, "the psychologist refrains from drawing conclusions not adequately supported by the data. The psychologist interprets any data from interviews or tests, as well as any questions of data reliability and validity, cautiously and conservatively, seeking convergent validity. The psychologist strives to acknowledge to the court any limitations in methods or data used." A copy of Dr. Nelson's evaluation is available upon request as **(Ex 22).**

S. Case (FL909840)

This couple was married for 10 years and had three children when they separated in 1992. The oldest son, age 8, told a teacher at school that he was sexually abused by his father. Later, he told his mother, saying that he did this to protect his brother and sister from further abuse, although he told her he had been threatened by his father that he would die for doing so. On June 3, 1993, all three children were given physical examination at the University of California at Davis Medical Center.The physicians made physical findings consistent with sexual abuse. The three-year-old daughter had an irregular hymenal rim, and problems with her anus. The middle boy had redness in his genital and/or anal area. The eldest boy had small scars on various parts of his body. His penis was red and very irritated.

All three children made verbal reports of abuse to Tom Russell, L.C.S.W., who reported this to the court in a sworn Declaration. The two boys also reported the abuse to their psychotherapist, Ty Yarnell, L.C.S.W.

There were behavioral indicators as well. The oldest boy was reported by his psychotherapist to be suffering from post-traumatic stress syndrome. He rapidly became obese, gaining 50 pounds in the year of the alleged abuse.

Subsequently there was an emergency hearing at the Sacramento County Superior Court, and the father was ordered to have no contact at all with the children. The judge simultaneously ordered Dr. Sidney Nelson to do a custody evaluation. Dr. Nelson writes that his purpose was to: "address the issues of the molestation allegations and concerns, to render an opinion regarding what would be an appropriate parenting plan for the children. . ."

Although he knew he should address the abuse issue, Dr. Nelson did not contact U.C.D. Medical Center, where the examination was made. Dr. Nelson wrote that he reviewed the information from U.C.D. medical reports, but he relayed it in such a vague way in the evaluation, that it is impossible to know the extent of the actual findings. For example, about the three-year-old, Dr. Nelson cryptically wrote;

> Regarding [the three-year-old], there were some irregular findings involving her hymen, and it was noted that there was an irregular hymenal rim. Other findings were also made. It is noted that the findings section of the report that [sic] there these were considered irregularities, but that they could not rule out congenital variance. Regarding the anal-related findings, it is noted that these could be consistent with a history of constipation.

Dr. Nelson did not contact Child Protective Services. Nor did he address any findings of investigations, other than the fact to say that it was his "understanding" [29] that C.P.S. closed the case after having "at some point" been contacted by the school. As a mandated reporter himself, he should have contacted C.P.S. himself when the abuse was directly reported to him by the children. [30]

Court documents also show that Dr. Nelson spoke at length to the two boys' main psychotherapist, Ty Yarnell, LCSW, from Citrus Heights, California, who was treating the boys for sexual abuse. But Dr. Nelson didn't then include any of the information the children's psychotherapist gave him for his report. This psychotherapist specialized in child sexual abuse. He had been a police

[29] page 2 of the Sidney Nelson Evaluation, dated October 20, 1993

[30] Ibid. pages 17-20, pages 21, 24, 25

detective specializing in child physical and sexual abuse prior to becoming a licensed clinical social worker in private practice.

Court documents show that psychotherapist Yarnell wrote to the judge to complain that her information was omitted from Nelson's report. In response, Dr. Nelson submitted an addendum to his report including the information, but noted that it did not change his conclusions: the child abuse didn't occur.

In a letter dated October 20, 1993, Ty Yarnell, L.C.S.W., wrote to Honorable Judge Ullman, the following, in part:

> I was contacted by Dr. Nelson on September 30, 1993 and spoke with him at length. For unknown reasons my perceptions and recommendations were not included in his evaluation dated September 30, 1993.
>
> It is my opinion that both [the oldest son] and [middle child] have been traumatized. . . . [The oldest boy] presents with symptoms consistent with abuse reactive behavior ie: sleep disturbance, eating disorder, encopresis, and vegetative signs of depression. [The middle boy] presents with signs of internalized rage ie: temper tantrums and self abusive behavior. Both children report feeling frightened of contact with their father. I have observed each child independently experience terror when discussing the visits they were required to have with their father, during [Nelson's] evaluative process. . . .
>
> At this point I can not confirm nor deny that [the boys] have been sexually abused. They have certainly been traumatized and being thrust back into contact with their father without adequate safeguards places their psychological welfare at severe risk.

The children were also interviewed at the Multidisciplinary Interview Center for Sacramento County. Dr. Nelson did not contact the interviewers, according to a review of his evaluation.

Whom did Dr. Nelson contact?

A review of the evaluation shows that Dr. Nelson did talk to Thomas Russell, who had been providing evaluation and therapy services for the children. Dr. Nelson stated that Tom Russell wrote a Declaration some time

after May 5, 1993. It is not stated, however, whether another suspected abuse report was made in May 1993 by Russell who as a psychotherapist is a mandated reporter of abuse.

Dr. Nelson contacted Judith Tarrant, a nurse practitioner, who conducted one of the physical exams at a private clinic, through the mother's insurance carrier, but Dr. Nelson does not mention if Tarrant confirmed findings of sexual abuse.

Dr. Nelson met in person with Detective Barbara Bravos, who was with the Sacramento County Sheriff's Department. Bravos gave Dr. Nelson her impressions. She had witnessed the interviews between the children and professional interviewers at the Multidisciplinary Interview Center for Sacramento County. Dr. Nelson stated in his report that Detective Bravos claimed the M.C.I.C. interviews did not confirm abuse. On page 38, in his interview with Bravos, Dr Nelson mentioned what she told him were the impressions of the interviews, but Dr. Nelson never contacted anyone directly.

It is Bravos who reports that the children's stories of abuse were not found to be credible, and it is she who states that C.P.S. had the impression that there was no abuse. [31]

Nelson does not ever contact C.P.S. himself to find out what occured, or what their conclusions were. Instead, he apparently based his conclusions on Bravos' beliefs, which are simply that and which are not verifiable facts.

Without verifying the facts or evidence, Dr. Nelson found no abuse. However, Dr. Nelson believed that there had been significant parental alienation by the mother's boyfriend, whom has since married the mother. Dr. Nelson did not interview the mother's then-boyfriend, according to his own evaluation.

In fact, Dr. Nelson did not interview the mother's boyfriend, nor anyone else for that matter specifically about "alienation." How could Dr. Nelson have diagnosed the boyfriend with a supposed disorder without ever interviewing him?

Dr. Nelson's conclusion that there was alienation, on page 48 of his report, is not based on any actual evidence or fact. Nelson offers no proof that there was alienation. He simply uses his belief that no abuse occured to "prove" that therefore, the reverse -- alienation -- occured. He backed up his own conclusion that the children were "coached" with his own seeming bias and belief but with no actual proof.

[31] page 39 of Dr. Nelson's evaluation.

On page 49 of his written evaluation, Nelson states his opinion, but does not every verify nor ask the mother or boyfriend, nor interview them directly regarding how they talked to the children about the children's father or what they discussed with the children regarding the father.

Dr. Nelson's investigative process seems quite bizarre: without checking the facts and evidence, he concludes that there was no abuse, and that therefore this must mean that "alienation" was taking place. The fact is that there was no "proof" of alienation and he did not ever interview the mother's boyfriend regarding alienation, nor did he interview him at all.

Dr. Nelson recommended that the "no contact " order against the father should be withdrawn. He stated that the father should start having visits with his three children, and that if the alienation continues after six months, then the father should be given physical custody of all three children, and the mother's visits should be supervised or restricted so as to limit her influence over the children. He stated that the mother needed therapy to better understand the harm she is causing. As in other cases examined, Dr. Nelson stated that this case should be reviewed by him again in six to eight months. A copy of Dr. Nelson's evaluation is available upon request as **(Ex 23)**

The B. Case (#866073) (evaluation by Dr. Jeffrey Miller)

In 1990, Superior Court Judge Peter McBrien ordered the B. family to undergo a psychological evaluation by Dr. Nelson's professional partner, Dr. Jeffrey Miller. At issue was whether a five-year-old girl had been sexually abused by her father. There was corroborating physical evidence that the child had been sexually abused: her hymen had been torn, according to findings by University of California at Davis Medical Center. But Dr. Miller discounted the child's genital injury. He claimed that since the child did not verbally disclose the abuse to him or others, then she either couldn't remember it or thus know who did it to her. His claims are not true, according to experts, which is discussed later.

Dr. Miller also ignored the father's physical abuse of his wife that was later acknowledged in the judge's written decision. After he completed two evaluations, Dr. Miller recommended that the abused child be placed in the home of the alleged abuser, and that the father take over from the mother, as the primary custodial parent.

By making untrue, unsupportable statements, Dr. Miller seemed to steer the case to favor the abuser. After doing a second, follow-up evaluation of the family, Dr. Miller recommended that custody be awarded to the father. Based on the weight of his evaluations, Judge Faith Geoghegan placed the child with her alleged abuser. The judge was unable to arrive at a decision independent of

Miller's findings. The Judge wrote in her decision:

> The Court finds that there was physical abuse toward Petitioner [wife] by Respondent [husband]. . . . Although the Court really has concern about the apparent sexual abuse of the party's minor child, [name deleted], the Court is unable to come to a different conclusion than the experts at this time.

A background on the case follows:

Mrs. B. and her husband were married for 17 years, and had three children. She had five years of college and was a part-time teacher, but gave it up to raise her children and help her husband with his business. He was self-employed, as a salesman of fine art prints.

Through the marriage, Mrs. B. suffered from poor health and was diagnosed with Epstein Barr, thyroid problems, and a blood virus. Additionally, she was treated for depression. According to her psychotherapists, many of her problems stemmed from stress. Correspondence by her psychotherapists to the judge indicate that she was a victim of prolonged domestic violence that took the form of severe psychological abuse.

In 1989, Mrs. B. sought a divorce. After the couple separated she sought a restraining order from the court to keep her husband away from her. In 1991, he was found guilty of violating the restraining order. Following her separation, Mrs. B. underwent psychological treatment for post traumatic stress syndrome and depression, related to the domestic abuse.

After the couple separated, the children saw their father on overnight visits. After these visits, the youngest child, then age six, started acting strangely, her mother said. She refused to take baths, complaining that something hurt her. She also started wetting her bed, and regressing to baby talk. Once after her child complained that she was hurt, her mother looked at her vagina and saw what appeared to be broken veins. Mrs. B. contacted Emergency Services Network in Placer County. That agency in turn, reported suspected sexual abuse. The child was taken to the University of California at Davis' Medical Center for an exam. The Center's nurse practitioner, Cathy Boyle, performed a physical examination and found that the child's hymen had been torn. The injury is consistent with sexual abuse, Boyle stated in papers that were submitted to the Court.

In response to the findings by U.C.D. Medical Center, Mrs. B. sought sole custody of the children, and requested that a third party supervise visits between the children and her husband. On April 30, 1990, Judge Peter J.

McBrien ordered an evaluation of the family. Dr. Sidney Nelson's partner, Jeffrey E. Miller, Ph.D., was appointed as the neutral evaluator. On September 11, 1990, Dr. Miller concluded his evaluation of the family.

A review of his evaluation shows that Dr. Jeffrey Miller, misquoted the findings of Joan Schmidt, a counselor at WEAVE (Women Escaping Abusive Violent Environments). Dr. Miller claimed that Schmidt said Mr. B. attended sessions. What he omitted was that Schmidt terminated Mr. B. after two sessions, because he wouldn't admit to his anger.

Original letter of April 10, 1990
written by WEAVE Counseling Center Manager Joan Schmidt:

> Mr. B. [name redacted] stated that he he did not have a problem with violent behavior and did not need counseling. The requirements of the Positive Anger Control program are acknowledgement of violent behavior and the desire to develop non-violent behavior. Mr. B. did not meet the program criteria and we referred him back to Family Court services.

Claim by Dr. Miller:

> In a more recent report on Mr. B. [name redacted] byJoan Schmidt, another counselor at WEAVE, it was reported that Mr. B. attended "drop-in groups" for Positive Anger Control in April of 1990. However, Mr.B. stated that he does not have a problem with violent behavior and said that he does not need counseling.Therefore, his counseling at WEAVE was terminated.

Dr. Miller referred to Schmidt's letter, according to his list of records he reviewed, but he omitted the crucial point -- that Mr. B. was not accepted into treatment because he could not admit to his anger. Dr. Miller concluded that the accusations that Mr. B. had problems with his anger were not founded.He wrote: ". . . .[Contrary] to previous allegations, he does not appear to have any violent propensities or problems with anger control," he wrote.

Dr. Miller's evaluation runs contrary to the American Psychological Association's Guidelines for Custody Evaluators that state that findings need to

be substantiated. Dr. Miller concluded that the father was not the abuser, but he offered no proof to back up the claim.

Evidence of a torn hymen

Dr. Miller contacted nurse practitioner Cathy Boyle of UC Davis Medical Center, according to his written report. Boyle conducted an examination for possible sexual abuse of the child and had found physical evidence: the child's labia was red and irritated. There was a small labial adhesion. The most significant finding, however, was that the child's hymen was torn. Citing the medical terminology, Miller wrote: "hymenal flaps bilaterally" with "decreased tissue in the 2 to 5 o'clock position of the hymen." [32] The child had been penetrated by some object. Dr. Miller's question to Boyle was whether the five-year-old child could have inflicted the sexual injury to herself by inserting an object to puncture her own hymen. "I replied that it could not. It is highly unlikely that a child would choose to do this to themselves because it would hurt," Boyle stated in a signed affidavit to the court.

What did Dr. Miller conclude?

Dr. Miller concluded after his investigation that, "The results of this evaluation revealed no convincing evidence that Mr. B. has molested [his daughter] or exposed her to sexual situations."

In his evaluation, Dr. Miller concluded that since the six-year-old would not disclose the alleged abuse verbally to him, or to others, that therefore she must not remember it, and therefore does not know who abused her.

Dr. Miller wrote: "Concerning the allegations of sexual abuse of [the child], there is medical evidence that [the child] has been sexually abused by someone at one time. However, [the child] has repeatedly denied to me, her mother, three psychotherapists, and a C.P.S. investigator that she has ever been sexually abused by anyone, including her father and grandfather. Therefore, it is likely that she has no recollection of the abuse and does not know the identity of the abuser."

Is Dr. Miller's claim true? That if a child does not disclose the abuse to anyone including the evaluator then she either doesn't remember it, or doesn't

[32] Physicians who are trained to conduct physical exams to check for the sexual abuse of a child, conclude there is abuse with a torn hymen or "recent hymenal-vaginal lacerations" and "obvious hymenal transections" : and certain "areas with the absence of hymenal tissue" in a young female constitutes "clear evidence of a penetrating injury," according to a 1993 article in the APSAC Adviser. This article is included in the judicial training curriculum co-created by the National Judicial Education Program to Promote Equality for Women and Men in the Court and the American Bar Association Center on Children and the Law.

know who the perpetrator is?

No, not according to child sex abuse expert Dr. Anna Salter. "Just because she doesn't tell him [the evaluator] doesn't mean she doesn't remember it. If she remembers it, she knows who did it," Dr. Salter said, in an interview with this author.

Dr. Salter said that the research literature shows that the evaluator's chance of getting disclosure, "is almost zilch where the children haven't previously told. So he [the evaluator] shows an alarming ignorance on the literature of disclosure."

Dr. Linda Barnard, a marriage and family counselor with a doctorate in counselor education, testified at the August 23, 1991 custody trial. She stated that she read Dr. Miller's evaluation and that she was surprised by his conclusions. Her testimony stated in part: "But as I read it I recall that everything tracked pretty well and then when I got to the conclusions I remember being surprised because the conclusions didn't seem to add up to what I'd just been reading and I, I wondered where, where he got the conclusions in terms of his recommendations about the children." A copy of Dr. Miller's evaluation is available upon request as **(Ex 24).**

The W. Case (93FI7098)
(evaluation by Dr. Jeffrey Miller)

This is another case in which the court appointed Dr. Nelson's professional partner, Dr. Jeffrey Miller, to evaluate the family. This couple separated in 1993, after five years of marriage. They had three children, two boys ages 6 and 5, respectively, and a daughter, age 3. The children lived with their mother, and the father had no visits since November of 1993 when allegations were made that he had sexually molested his daughter. The father, who had a documented history of drug dealing and violent outbursts, denied sexually abusing his daughter. After the allegation was made against him, he had since launched a custody battle in court for the children.

Judge Peter McBrien ordered the family to undergo an evaluation by Dr. Jeffrey Miller. In his evaluation report dated July 27, 1994, Dr. Miller acknowledged the father's violent outbursts, illegal drug dealing, and the possibility that he could have sexually abused his then-three year-old daughter.Yet, his conclusions called for the mother to get therapy for "parental alienation" and for the children and father to start visiting each other.

A review of the statements in his evaluation shows that Dr. Miller makes highly inconsistent statements, contradicting himself, that seem designed to mislead.

For example: Dr. Miller blames the mother for alienating her child against her father, basing his conclusion on the fact that the child is obviously afraid of her father. But then Dr. Miller goes on to state later in his report that the father has a history a violent outbursts, was a drug dealer, and that the father might indeed have sexually abused his baby daughter.

On page 46 of his evaluation, Dr. Miller writes: "The possibility that [the two-year-old] was sexually molested, though, can not be entirely ruled out, and appropriate safeguards should be taken in order to protect her." But Dr. Miller never acknowledged that the fear in the child might have resulted from the father's behavior toward his child.

Dr. Nelson indicated that the mother's and the children's reactions to their father were unjustified. And yet, correspondence shows that other people outside of the home reacted to his actions too. For example, the school authorities took the drastic action of terminating the children from the school, rather than having to deal with angry confrontations between the staff, students and the father.

In a November 7, 1993 letter from Laura G. Homen, a former teacher at Roseville Community School, Homen writes:

"The circumstances which led to the dismissal of [the boys] occurred while I was employed as a teacher at Roseville Community School during the [children's] attendance. The details of these circumstances include Mr. W.'s inappropriate use of language toward a student and his use of profanity toward a staff member. It is also my understanding that Mr. W. shoved this staff member. It was these unfortunate occurrences that led to the W. family's dismissal."

Notwithstanding the alleged child sexual abuse, all three children were exposed to danger, given the father's unsavory involvement with illegal drugs and guns. For instance, at one point in the evaluation, Dr. Miller recounts statements by the father: "He admits that on one occasion, the family was at risk for a drive-by shooting in response to one of his drug deals. He admits to having a gun collection. . . ."

Miller goes on to cite concern for the children's safety. He writes:

> There are concerns about the father's past history of illicit drug use and sales and a propensity toward the development of problems with substance abuse. While there is no evidence that the father has physically injured or abused the minors during visits in the past, he has a history of violent

> outbursts, mostly involving property destruction. Personality testing also indicates that he is prone toward verbal and physical aggression, especially when under the influence of alcohol. Therefore, these issues will also need to be addressed in therapy.

What was Dr. Miller recommendation given the set of facts he described? He wrote that the mother should receive therapy for "parental alienation," and that the children should be reunited with their father.

Following Miller's evaluation recommending that the young girl should start visiting her father, the mother could do nothing but helplessly watch, while the toddler was physically forced to go on visits with her father, R. According to one eye-witness account provided to the court by the child's daycare provider, Tami Villalobos, the young child was hysterical, and further traumatized through forced transitions to meet with her father. The court-referred therapist was Michael Streit. A partial statement of Villalobos's statement to the court follows:

> [The four-year-old daughter] was scheduled to have a one hour visit with Mr. W. under the supervision of Michael Streit. As [the boy child] and the child walked toward d the door with [the toddler' they were met in the driveway by Mr. Streit. There was a short conversation as they approached the front door, then Mr. Streit put out his arms and attempted to take [the four-year-old daughter] from the arms of the mother. [The four-year-old daughter] instantly clung to her mother very tightly and began screaming. I could hear her scrams very clearly from the end of the driveway where I remained. A period of about fifteen minutes went by as Mrs. W. tried in a variety of ways to leave [the 4-year-old daughter] with Mr. Streit. She repeatedly tried to remove [the 4-year-old daughter] from her arms but the child was hysterical, clinging on with both arms and legs while crying and screaming. [The father] remained visible in the doorway of his home not making any attempts to talk to his daughter I was wondering to myself how long he could let this go on. . . .
>
> [The four-year-old child] appeared to me to be a very scared little girl, clinging to her mother as if for dear life. Despite this reaction from [the child]. Mr. Streit continued to try to take her. . . .

Villalobos went on to say that she was videotaping this event from her car, and that when the psychotherapist, Mr. Streit, noticed that he was being videotaped, he walked over to her car and got upset with Villalobos. Mr. Streit told her the child wouldn't remember the incident six months down the road, she stated. Villalobos concluded: "What I saw on March 17th was not an attempt at counseling. It was pure child abuse on the part of Mr. Streit."

Was Mr. Streit making a valid claim? Can abject terror in a very young child be easily forgotten within six months of the traumatic incident?

Not according to Dr. Robert Geffner, a recognized national expert in domestic violence and abuse issues. Dr. Geffner said that a child not only remembers, but can potentially suffer serious emotional problems later in life from such an incident.

Mr. Streit complained to the judge that the mother was the problem. He recommended that custody be transferred to the father, according to Dr. Miller's report: "Briefly, Mr. Streit believes that the mother has been uncooperative and that there has been extreme parental alienation of the minors by the mother. . . .Mr. Streit and the father believes that this resistance [to visits] by [the child] is the direct result of the mother's efforts to alienate [the child] from her father, but the mother believes that [the child is genuinely frightened to go on these visits. Mr. Streit and the father believe that the only way to counter the mother's alienation of the minors is to have an immediate reversal of the custody of the minors to the father, with supervised visits for the mother."

Dr. Miller put forth his alternate recommendation instead: that no supervision of the father was necessary at this point. He added: "[If] there is further evidence that the mother has not been fully supportive of the proposed changes, as ordered by the Court, then I would see no other alternative other than to allow the father to have the primary custody of all three minors with supervised visits for the mother." A copy of Dr. Miller's evaluation is available upon request as **(Ex 25)**.

SECTION FIVE

Recommendations

1. Mothers of Lost Children [33] have created a proposal for the establishment of a State Grand Jury with special powers and built-in checks and balances to avoid cronyism or bias by cout-appointed professionals. A copy of the proposal is attached. **(Ex 26)**

2. There should be stricter rules of evidence for Family Court judges. According to Syrus Devers, staff legal counsel to California State Assemblymember Sheila Kuehl, if family law judges were required to follow similarly strict rules of evidence that are required in criminal cases, many of the injustices to unsuspecting families would be eliminated in Family Court.

3. The Governor should establish a hotline for whistleblowers who work at Child Protective Services, A.F.T.E.R.,/Parents United or related agencies, to come forward with information for authorities, without fear of retribution.

4. The California court administration should immediately remove Dr. Nelson, Dr. Miller, Dr. Leatham, and Ms. Nohl from the lists of court-approved referrals, pending an investigation of their work.

5. The California court administration should study the dispositions of child sexual abuse cases in Family Court, and criminal court by all the evaluators and judges named in this report, with a special mission to report back on the findings within three months. This review should be conducted on an urgent basis with the goal of assessing whether children are continuing to be at risk or are actually suffering from sexual assault.

6. Federal authorities should investigate Dr. Nelson, Dr. Miller, Dr. Leatham, and Ms. Nohl to see whether their actions constituted possible criminal conspiracies or collusion with the alleged molester/parents.

7 Authorities should conduct a financial audit of A.F.T.E.R./Parents United, in Sacramento.

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[33] Mothers of Lost Children, a local Davis organization with a website at the following, http://www.roseillus.com/clients/MOLC/MOLC_home.htm , is specifically devoted to advocating for parents and children who are being abused by the legal system in high conflict custody cases. In most cases, the children have been placed in the custody of an abusive parent when a safe parent is available.

About the author

Karen Winner is a book author, investigative reporter, and private consultant. While a policy analyst for the New York City Department of Consumer Affairs, Ms. Winner researched and wrote the groundbreaking 1992 report, “Women in Divorce: Lawyers, Ethics, Fees and Fairness" that resulted in public hearings and statewide reforms in New York. She also authored the original New York State's "Statement of Client Rights and Responsibilities," that became court rule in 1993 and requires all New York lawyers representing divorce clients to hand out this statement to their clients before the retainer agreement is signed.

In 1996, Karen Winner wrote ***Divorced From Justice: The Abuse of Women and Children by Divorce Lawyers and Judges*** (Regan Books/Harper Collins) that exposed unethical practices found in courtrooms across the nation. In the words of U.S. Congressman Jerrold Nadler: "Karen Winner's groundbreaking expose of the flagrant denials of due process and judicial abuses inflicted on women in our family courts is a clarion call for legislative action."

In 1997, Karen Winner founded The Justice Seekers, Inc., a national, nonprofit organization dedicated to monitoring legal abuses in divorce and custody proceedings. Ms. Winner has appeared on national talk shows including *CNN's Burden of Proof*; *Geraldo*; *Inside Edition*; and *National Public Radio’s Marketplace*, among others, and the Justice Seekers Inc., was recently cited in *Forbes Magazine.* Karen Winner’s byline has appeared nationwide through *The American News Service*, distributed by *The Knight-Ridder Tribune Wire.* Ms. Winner’s articles have appeared in *The San Francisco Chronicle*, and *Newsday*, among other publications. She has A.B.A.-approved paralegal training, and serves as an expert witness in legal malpractice cases.

Placing Children At Risk: Questionable Psychologists And Therapists In The Sacramento Family Court And Surrounding Counties

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Member Profile

	Sidney K. Nelson, Ph.D.
	Dr. Nelson is a 1977 graduate of the University of Wyoming, with a Ph.D. in Psychology. Following graduate training, he completed a post-doctoral Psychology fellowship at the UCLA Neuropsychiatric Institute. From 1979-88, Dr Nelson served as staff psychologist for Alta California Regional Center, and also maintained a part time private practice in Forensic Psychology. From 1988 to present, his current full time practice is devoted entirely to Forensic Psychology in the areas of: Child Custody, Civil/Personal Injury, Criminal and Juvenile Law
License: PSY6474	**Location: Campus Commons Area/Sacramento**
Services:	Child Custody Evaluations Criminal Forensic Psychology Juvenile Law Personal Injury Psychological Assessment Consultation to Attorneys
Special interests:	Psychological Evaluations in legal matters before the court. Consultation to attorneys regarding psychological issues in legal cases.
Address:	Sidney K. Nelson, Ph.D. Scripps Psychological Associates, Inc. 555 University Ave., Suite 110 Sacramento, CA. 95825
Phone:	(916) 646-9297
Fax:	(916) 646-6284s
Pager:	
e.mail:	snelson45@AOL.com
web page:	
Fee and Payment Information:	Available upon request. Please call.

Use the Back Button on your Browser to Return to the List **or:** Start a New Search Return to the Information Page

Ex 1

Sacramento Valley Psychological Association
SVPA

Member Profile

Jeffrey E. Miller, Ph.D.

Dr. Miller graduated from the University of Southern California in 1975 with a Ph.D. degree in Clinical Psychology. He completed a post-doctoral fellowship at the Neuropsychiatric Institute of UCLA. He was employed for 13 years as the Chief Psychologist for the Alta California Regional Center and maintained a part-time private practice. Since 1988, he has been in full-time, private practice as a forensic psychologist. He has expertise in the areas of child custody, juvenile court dependency and reunification, trial competency, insanity, and sentencing recommendations. He also has expertise in the areas of developmental disabilities, learning disabilities, ADHD, educational consultation, behavioral modification, and school fair hearings.

License: PSY4795	**Location: Howe & Fair Oaks/Sacramento**
Services:	Educational, Personality, and Cognitive Assessments of Children, Adolescents and Adults Criminal and Civil Forensic Evaluations
Special interests:	Criminal and Civil Forensic Psychology Developmental Disabilities Attention-deficit/Hyperactivity Disorder School Consultation Parenting Evaluations and Bonding Assessments
Address:	Jeffrey E. Miller, Ph.D. Scripps Psychological Associates, Inc. 555 University Ave., Ste. 110 Sacramento, CA 95825
Phone:	(916) 646-9297
Fax:	(916) 646-6284
Pager:	
e.mail:	kpmiller@ncal.net
web page:	

Ex 2

Sacramento Valley Psychological Association
SVPA

Member Profile

	Larry Nicholas, Ph.D.
	Dr. Nicholas graduated from the Pacific Graduate School of Psychology, Palo Alto, in 1982 and has been licensed to practice psychology since 1984. He currently maintains a forensic private practice while working part-time with Kaiser Permanente Occupational Medicine. Dr. Nicholas has extensive experience in evaluating and treating children and adolescents who have emotional, conduct, and sexual disorders. He is known for his expertise and numerous presentations and workshops regarding family law issues, specifically parental alienation and allegations of child abuse. He is on the panel of evaluators for Sacramento County Superior Court and Department of Health and Human Services. He is also on the Sacramento County Family Law panels of child custody evaluators, mediators, and Special Masters. Dr. Nicholas is a former president of the Sacramento Valley Psychological Association Clinical Division and is the current (1998) president of the SVPA Forensic Division.
License: PSY8294	**Location: 25th & K Streets/Downtown Sacramento**
Services:	Consultation Assessment Expert Testimony Civil and Criminal Forensic Psychology
Special interests:	Child Custody Evaluations Mediation/Special Master Co-Parenting/Reunification Counseling Parental Alienation Allegations of Child Abuse
Address:	2428 K Street Sacramento, CA 95821
Phone:	(916) 448-3822
Fax:	(916) 448-1341
Pager:	
e.mail:	nicholas@inreach.com
web page:	
Fee and	Available upon request. Please call

EX 3

Honorable Ronald B Robie, Presiding Judge
Superior Court of Sacramento County
720 Ninth Street
Sacramento California, 95814

September 22, 1995

Dear Judge Robie:

We the undersigned request that you investigate the biased and unethical conduct of Dr Sidney Nelson, court appointed EC 730 Evaluator, as no grievance procedure is available to us.

While studying contested custody cases in the public records, researchers Lorraine Hopper and Jean Travis examined five custody cases evaluated by Dr Nelson. Child sexual abuse was alleged in four cases and physical and emotional abuse in the fifth. They met with the mothers involved who shared their EC 730 Evaluations by Dr Nelson. These evaluations were exhaustively studied and became the basis of this report to you. However before we delivered this, one of the women Ms S, became fearful and asked that her name not be used.

All five women have been intimidated and fear reprisals. Therefore it was decided to withdraw the detailed analyses prepared for this report, except for the Toumey case given with Ms Cohen's (Toumey) permission. A separate sealed envelope with names and file numbers, is enclosed. Mrs Hopper and Ms Travis will be happy to send detailed information to you if the security of these women is assured. All statements made below, can be confirmed by your review of these EC 730 Evaluations, the case files, and contacting the appropriate authorities. We believe that further sampling of Dr Nelson's evaluations will show the same patterns which became apparent in these five cases.

We are primarily concerned with the safety and well being of children. We believe that Dr Nelson showed complete lack of concern for the safety of all seven children in these five evaluations, and has placed them seriously at risk.

Our discoveries and conclusions are as follows:

We discovered that Dr Nelson's reports of private interviews with the children openly conflicted with disclosures of molest made by the children to all other authorities. Dr Nelson disbelieved all the children.

Dr Nelson concluded that no molest occurred to any of the seven children, and that none of the children were in danger from the fathers. In all five cases he recommended increasing unsupervised visitation time with the fathers, and in three cases threatened the mothers with change of custody to fathers. He did this in callous disregard of:

1. Confirmation of child sexual abuse in six of the children following investigations by Children's Protective Services, the County reporting agency for all mandated reporters of suspected child abuse.

Dr Nelson did not even contact CPS in any of the five cases.

2. Physical and behavioral findings consistent with molest confirmed by UCD Med Center, private physicians, and declarations by therapists and teachers.

Dr Nelson did not contact any of the physicians.

3. Videotaped interviews of the children, confirming sexual abuse, by the trained team of the County Multidisciplinary Interview Center

Dr Nelson did not contact the Multidisciplinary Interview team at any time.

4. Serious psychological problems common to the fathers - physical violence, alcoholism and preoccupation with pornography, documented by police reports, confirmed by; an attorney for one of the children, tests by National Council on Alcoholism, and declarations of outside therapists.

Dr Nelson either totally ignored or trivialized these serious problems.

Dr Nelson concluded that the children were all lying, the fathers were all innocent of abuse, and the mothers were all guilty of Parental Alienation Syndrome. However he did not diagnose PAS according to Dr Gardner its sole creator. When these five women did not fit Dr Gardner's descriptions of alienating mothers, Dr Nelson simply ignored PAS definitions He has created his own extreme version of this untested, gender-biased theory.

We believe that a random sampling of Dr Nelson's EC 730 evaluations will show that Dr Nelson's actions indicate a consistent pattern of ignoring documented evidence of child sexual abuse, and that he does not believe or understand children. Dr Nelson ignores or glosses over serious mental health problems of the accused fathers, and clearly demonstrates hostility and bias against women.

We believe that Dr Nelson has caused great harm to children, and should be removed from all connection with Sacramento County Superior Court. Our group's primary concern in studying contested custody cases, is the safety and well-being of the children involved. Dr Nelson NEVER seriously views this as a concern. Dr Nelson never addresses the existence or the necessity of a primary bond between child and parent. Dr Nelson treats the custody of children with a frightening casualness, as if they are inanimate bundles to be passed back and forth between parents as objects of punishment and reward, rather than human beings with feelings and attachments.

You will find enclosed the following:

1. Letter to Judge Kobiyashi from Attorney Jill Demmel regarding admissions made by Dr Nelson in a recent deposition

2. Summary and charts of the five cases

3. Detailed analysis of Toumey case, included with permission from Ms Cohen. It was the only case with two evaluations plus trial testimony by Dr Nelson. Five letters refuting statements by Dr Nelson in the Toumey evaluation are attached to this case study.

3. Appendix A - Research on False Allegations of Sexual Abuse in Divorce - Faller, Corwin and Olafson - with permission from Professor John Myers, McGeorge Law School UOP.

3. Appendix B - Guidelines for Psychosexual Evaluation of Suspected Sexual Abuse in Young Children - American Professional Society on the Abuse of Children -with permission from Professor Myers

4. Statement of policy adopted by American Psychological Association - relating to use of syndromes, ethics etc. - Melton and Limber published in American Psychologist

Thank you for your courtesy,

For further information please call Jean Eike at 339-9867

Correspondence with Judge Robie

Sacramento

Superior and Municipal Courts

mailed

RONALD B. ROBIE
Presiding Judge

720 Ninth Street
Sacramento, CA 95814
Telephone (916) 440-5487

October 2, 1995

Ms. Jean M. Travis
1710 Main Avenue
Sacramento, CA 95838

Dear Ms. Travis:

I am in receipt of your letter and accompanying papers in which you request an investigation of what you allege to be "biased and unethical conduct" on the part of Dr. Sidney Nelson.

In support of your allegations you append some analysis and conclusions prepared by two researchers whose credentials are not disclosed. You further indicate that the researchers conclusions were based on their review of five cases and their discussions with one of the two parties in each of these cases.

Although the Canons of Judicial Conduct prevent me from commenting specifically on any aspect of a pending case, I am happy to outline our procedures for the retention of doctors and to discuss the safeguards we have adopted to ensure the fairness of the process.

The Sacramento Superior and Municipal Court's minimum qualifications for psychologists and psychiatrists are (1) five years post-doctoral experience diagnosising emotional and mental disorders and (2) a current medical license or license in psychology.

In addition to these minimum qualifications the court has in place, a number of other safeguards to ensure the doctor's report process is fair to all concerned. First, the court does not appoint a doctor in a case without the approval of each party. Secondly, the court affords the parties the opportunity to challenge the report at the hearing.

In the event that concerns arise as to the professional conduct of one of our panel members, I believe that the best forum to present these concerns is the appropriate state licensing board. These boards were established for this purpose and have developed a great deal of expertise in these areas over the years.

I appreciate your sharing your concerns with me.

Sincerely,

RONALD B. ROBIE
Presiding Judge
RBR/meb
Enclosure (judges\rbrltjt)
cc: Dr. Sidney Nelson

5

Domestic Violence Laws in California in the Year 2000

Presumption Against Custody to a Batterer (AB 840 – Family Code § 3044)

- If court finds that a parent has perpetrated domestic violence in the past 5 years against the other parent or child or siblings, presumption against awarding him/her **sole** or **joint legal** or **physical** custody
  - doesn't apply if both parents are perpetrators of domestic violence
- Domestic violence = causing/attempting/placing a person in fear of bodily or sexual assault; threatening, striking, harassing, destroying the personal property or disturbing the peace of...

January 25, 2000 Bay Area Legal Aid

In Determining Whether Presumption Can Be Rebutted, Court Shall Consider:

- Whether giving abuser custody is in best interests of child
- Abuser has successfully completed a certified batterer's treatment program
- Abuser has successfully completed substance abuse counseling if needed
- Abuser has successfully completed a parenting class if needed
- Abuser has complied with any conditions of probation/parole
- Abuser has committed further acts of domestic violence/violated restraining order

January 25, 2000 Bay Area Legal Aid 2

Other custody provisions

- Court must give reasons when abuser gets physical or legal custody (AB 1671- Family Code §§ 3011, 3020, 3021)
- Custody evaluators must have domestic violence training (SB 433 – Family Code §3110.5)
- Limits on Ordering Supervised Visitation for Parents Who Report Child Sexual Abuse (SB 792 - Family Code §§ 3201 and 3027.5)
  - A court cannot deny or limit a parent's custody or visitation solely because s/he lawfully reported suspected sexual abuse of the child

↳ possible retro apply

January 25, 2000 Bay Area Legal Aid 3

Other custody provisions -- Absence from Home (AB 1671 - Family Code § 3046)

- Absence from home should not be considered in custody cases if: (1) of short duration and parent showed an interest in maintaining custody/visitation; (2) due to domestic violence from the other party.
- If reason for absence is because party was the restrained party in a restraining order, their absence may be considered.

January 25, 2000 Bay Area Legal Aid 4

Uniform Child Custody Jurisdiction and Enforcement Act -- Home state (SB 668) Family Code § 3400 et. seq.

- Home state has priority and other states must defer
  - Home state = where child lived for the last 6 months prior to start of custody proceeding
- CA can make initial custody determination only if
  - CA = home state or was home state within 6 months of filing and one parent still lives here
  - If no home state exists, or home state declines, then state court may have jurisdiction if child and parent have significant connection with state other than physical presence and there is substantial evidence regarding the child in the state

January 25, 2000 Bay Area Legal Aid 5

UCCJEA – Continuing Jurisdiction

- Once custody jurisdiction is established, state has continuing jurisdiction unless
  - Neither the child, nor the child and one parent have a significant connection with the state and substantial evidence no longer available in state concerning the child's care
  - all parties leave the state
- CA. may not modify another state's custody order unless
  - CA has jurisdiction AND
    - » Prior state court determines it does not have jurisdiction or CA would be more convenient or
    - » None of the parties live in that state

January 25, 2000 Bay Area Legal Aid 6

EX 6

Bay Area Legal Aid 1-27-00

tip – court say no find DV in RO hearing

4507122 28 27 6/7S
HOYERSON, KAMI ANN
F 11/01/1988 EX 07 / 96
209-295-5790 LM
SPEC BILLING

1/24/96

UNIVERSITY OF CALIFORNIA, DAVIS
MEDICAL CENTER,
SACRAMENTO

OPD PROGRESS RECORDS

SCAN

CHILD PROTECTION CENTER

NOTE PROGRESS OF CASE, COMPLICATIONS, CONSULTATIONS, CHANGES IN DIAGNOSIS, CONDITION ON DISCHARGE, INSTRUCTIONS TO PATIENT.

HR _____	Age _____ yrs	_____ mos.	APPOINTMENT TIME: _____
RR _____	Ht. _____ cm	_____ %ile	ARRIVAL TIME _____
T _____	Wt. _____ Kg	_____ %ile	DEPARTURE TIME: _____
BP _____ / _____	HC _____ cm	_____ %ile	
VS: L _____ / _____	R _____ / _____		
HS: L _____	R _____		
Hct: _____ %	Urine Dipstick _____		

ID: 7yr 2mos old, white F brought by mother for SCAN. Has 2 sisters. Brought by Det & Sgt Horton present by exam but no hx obtained. No disclosures by Kami.

PMH: Not established today

PE: WDWN alert cooperative dirty girl in NAD. Does well on exam. Skin warm and dry color good.

HEENT: TMs are clear and mobile - some cerumen in canals. Nose clear - septum midline. Throat clear dentition in good repair. Neck supple & adenopathy. Lungs CTA. Heart S1 S2 RRR. Abd soft, flat & masses, organomegaly or tenderness.

Genitalia: Tanner I. Clitoral hood, labia majora, minora WNL. Vestibule & meatus & vaginal introitus clear & 5° Urethra & discharge. Hymen fimbriated, irregular 1-2 with small projection @ 6°, 2-4° appears to be slightly layered. Large flap which fills out & mobile, with concavity created secondary to flap @ 10°. Posterior fourchette and fossa navicularis WNL.

Anal exam & rectal tone - no venous engorgement or congestion. No marked anal dilation. Good tone.

All findings persist in KC and colposcopy exam

A: Suspected sexual abuse. Clear TM. Hymen exam consistent with prepubertal exam. No disclosure. Patient would be ready to hypothesize.

P: Reassurance, questions answered

Fu 1 yr dr for HEENT

Will review photos & videotape

Fu as needed here

Will discuss case & Det Hughes

PROGRESS RECORD

EX 7

BILL LOCKYER, Attorney General
of the State of California
GAIL M. HEPPELL, Supervising
Deputy Attorney General
MARA FAUST
Deputy Attorney General
1300 I Street, Suite 125
P. O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-5358

Attorneys for Complainant

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: LARRY AUSTIN LEATHAM, Ph.D 11463 Clinton Bar Road Pine Grove, CA 95665 Psychology License No. PSY-11651 Respondent.	Case No. W163 **ACCUSATION**

The Complainant alleges:

PARTIES

1. Complainant, Thomas S. O'Connor, is the Executive Officer of the California Board of Psychology (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about May 29, 1990, Psychology License No. PSY-11651 was issued by the Board to Larry Austin Leatham, Ph.D. (hereinafter "respondent"), and at all times relevant to the

charges brought herein, this license has been in full force and effect. Unless renewed, it will expire on July 31, 1999.

JURISDICTION

3. This accusation is brought before the Board under the authority of the following sections of the California Business and Professions Code (hereinafter "Code"):

A. Section 2960 of the Code provides in pertinent part that the Board may suspend or revoke the license of any licensee found guilty of unprofessional conduct.

B. Section 2960(h) of the Code provides that willful, unauthorized communication of information received in professional confidence constitutes unprofessional conduct.

C. Section 2960(j) of the Code provides that being grossly negligent in the practice of psychology constitutes unprofessional conduct.

D. Section 2960(r) of the Code provides that repeated acts of negligence constitute unprofessional conduct.

E. Section 2964.6 of the Code provides that the Board may recover the costs of probation monitoring if probation is imposed.

F. Section 125.3 of the Code provides in pertinent part that the Board may request the administrative law judge to direct any licentiate found to have committed a violation or violations of the licensing act to pay the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

4. Respondent is guilty of unprofessional conduct within the meaning of Code sections 2960(h,) 2960(j) and 2960(r) as more particularly set forth hereinbelow.

FIRST CAUSE FOR DISCIPLINE
(Gross Negligence)
[Bus. & Prof. Code § 2960(j)]

5. On or about December 6, 1995, respondent presented a custody evaluation to the Superior Court of Amador County, California in the Matter of Donald H. and Karen H.[1], case number 94-FL-0084, for purposes of making appropriate recommendations regarding custody, visitation and home schooling of the H.'s three (3) children, a then nine-year old boy and two girls then aged 6 and 4.

6. The conclusions and recommendations contained in respondent's custody evaluation as indicated above were made following separate and composite interviews with the individuals indicated in paragraph 5, above, that were conducted during a single session in respondent's offices, and following conversations with the children's therapists, a followup telephone conversation with the mother, Karen H., conversations with attorneys involved in the above indicated litigation, and a consultation with a practitioner in New York State.

7. In reaching the conclusions and recommendations contained in the custody evaluation as indicated in paragraph 6, above, respondent failed to employ multiple methods of data

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1. The full names of all persons referred to herein will be made available to respondent upon a timely request for discovery.

gathering, specifically respondent failed to (1) perform psychological testing and/or assessment of the parents, Donald H. and Karen H.; (2) conduct adequate collateral contact interviews including interviews with law enforcement personnel with possible knowledge of allegations of child sexual abuse, medical personnel from UC Medical Center at Davis, California who performed a sexual abuse medical examination on the oldest female child on or about July 26, 1995, therapists who had previously provided couples therapy to Donald H. and Karen H., and CPS staff aware of allegations of sexual abuse of the H.'s children; and (3) conduct a child abuse assessment or interview with the H.'s children.

8. Respondent stated in the course of his expert testimony in the H.'s case that he placed no professional reliance on the information provided by therapists for the H.'s children or on the statements of the children themselves, and therefore the primary basis for respondent's custody evaluation indicated in paragraph 5, above, was limited to respondent's interviews with Donald H. and Karen H. as indicated in paragraph 6, above.

9. Respondent's conduct as set forth in paragraphs 7 and 8, above, in failing to employ multiple methods of data gathering and confining the effective basis for his conclusions and recommendations regarding custody, visitation and home schooling to interviews with Donald H. and Karen H. constitutes gross negligence within the meaning of Code section 2960(j).

///

SECOND CAUSE FOR DISCIPLINE
(Repeated Negligent Acts)
[Bus. & Prof. Code § 2960(r)]

10. Complainant realleges paragraphs 5-8, above, and incorporates them herein by reference as if fully set forth at this point.

11. In or about October, 1996, respondent, without authorization from Karen H., revealed information about Karen H. to a third party non-professional, M.K., that he had obtained under conditions of professional confidentiality for the preparation of the custody evaluation indicated in paragraph 5, above.

12. Respondent failed to indicate to the Superior Court of Amador County, California at any time that the custody evaluation he prepared for the court as indicated in paragraph 5, above, was, under the circumstances of the limitations imposed by the court's evaluation guidelines, i.e., 10 hours maximum time for preparation of an evaluation and no funding for psychological testing, a limited and incomplete evaluation due to the above court-imposed restrictions.

13. Respondent's conduct as set forth in paragraphs 7 and 8, 11 and 12, above, or any combination of two or more thereof, constitutes repeated negligent acts within the meaning of Code section 2960(r).

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THIRD CAUSE FOR DISCIPLINE
(Unauthorized Communication)
[Bus. & Prof. Code § 2960(h)]

14. Complainant realleges paragraphs 5-8 and 11, above, and incorporates them herein by reference as if fully set forth at this point.

15. Respondent's conduct as indicated in paragraph 11, above, constitutes the willful unauthorized communication of information received in professional confidence and therefore unprofessional conduct within the meaning of Code section 2960(h).

PRAYER

WHEREFORE complainant requests that a hearing be held on the matters herein alleged and that following the hearing the Board issue a decision:

1. Revoking or suspending Psychologist License Number PSY-11651 heretofore issued to respondent Larry Austin Leatham, Ph.D.;

2. Ordering respondent to pay the Board the actual and reasonable costs of the investigation and enforcement of this case and the costs of probation monitoring if probation is imposed; and

3. Taking such other and further action as the Board

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may deem necessary or proper.

DATED: April 6, 1999

Thomas S. O'Connor
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California

Complainant

forms\accuse [115 rev]

BILL LOCKYER, Attorney General
of the State of California
GAIL M. HEPPELL
Supervising Deputy Attorney General
MARA FAUST
Deputy Attorney General
1300 I Street, Suite 125
P. O. Box 944255
Sacramento, California 94244-2550
Telephone: (916) 324-5358

Attorneys for Complainant

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	Case No. W163
	OAH No. N1999050247
LARRY AUSTIN LEATHAM, Ph.D 11463 Clinton Bar Road Pine Grove, California 95665 Psychology License No. PSY-11651 Respondent.	**AGREEMENT**

IT IS HEREBY STIPULATED AND AGREED by and between the parties the above-entitled proceedings that the following matters are true:

1. An Accusation in case number W163 was filed with the Board of Psychology, Department of Consumer Affairs (the "Board") on or about April 6, 1999 against Larry Austin Leatham, Ph.D. ("Respondent").

2. The Accusation, together with all statutorily required documents, were duly served on Respondent. Respondent filed a Notice of Defense contesting the Accusation. A copy of Accusation No. W163 is attached as Exhibit "A" and hereby incorporated by reference as if fully set forth.

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3. On or about May 29, 1990, Psychology License No. PSY-11651 was issued to Respondent by the Board. The certificate is valid with an expiration date of July 31, 2000.

4. The Complainant, Thomas S. O'Connor, is the Executive Officer of the Board of Psychology and brought this action solely in his official capacity. Complainant is represented by the Attorney General of California, Bill Lockyer, by and through Supervising Deputy Attorney General Gail M. Heppell and Deputy Attorney General Mara Faust.

5. Respondent is represented in this matter by Julian Hubbard, Law Offices of Julian Hubbard, 120 North El Camino Real, San Mateo, CA 94402.

6. Respondent and his attorney have fully discussed the charges contained in Accusation No. W163, and Respondent has been fully advised regarding his legal rights and the effects of this stipulation.

7. Respondent understands the nature of the charges alleged in the Accusation and that, if proven at hearing, the charges and allegations would constitute cause for restricting or revoking Psychologist License No. PSY-11651 pursuant to Business and Professions Code section 2960(j). Respondent is fully aware of his right to a hearing on the charges contained in the Accusation, his right to confront and cross-examine witnesses against him, his right to use of subpoena to compel the attendance of witnesses and to compel the production of documents in both defense and mitigation of the charges, his right to reconsideration, appeal and aby and all other rights accorded by the California Administrative Procedure Act and other applicable laws. Respondent knowingly, voluntarily and irrevocably waives and gives up each of these rights.

8. Complainant and Respondent agree to the following:

A. Respondent shall upon reasonable notice submit to an educational review concerning the circumstances which resulted in this administrative action. The educational review shall be conducted by a board-appointed expert case reviewer and/or Board designee familiar with this case. Educational reviews are informational only and intended to

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benefit Respondent's practice by preventing future such complaints. Respondent shall pay all costs associated with this educational review.

B. Upon successful attendance by Respondent at the educational review, Accusation W163 shall be withdrawn.

C. Should Respondent fail to attend the scheduled educational review then a hearing date will be reset on Accusation No. W163.

ACCEPTANCE

I am the Respondent herein. I have carefully read and fully understand this Agreement. I have discussed the terms and conditions of this Agreement with my attorney, Julian Hubbard. I understand that by signing this Agreement, I am waiving my right to a hearing and I enter into this Agreement freely, intelligently, knowingly and voluntarily, and I agree to be bound by its terms and conditions.

DATED: 12/9/99

Larry Leatham, Ph.D.
LARRY AUSTIN LEATHAM, Ph.D.
Respondent

I have fully discussed with Respondent, Larry Austin Leatham, Ph.D., the terms and conditions and other matters contained in the above Agreement and approve its form and content.

DATED: 12/9/99

JULIAN HUBBARD, Esquire
Attorney for Respondent

///

///

///

ENDORSEMENT

I concur in this Agreement.

DATED: 1/3/00

BILL LOCKYER, Attorney General
of the State of California

Mara Faust

MARA FAUST
Deputy Attorney General

Attorneys for Complainant

Marsha Nohl, M.A.
Licensed Marriage Family Child Counselor
5120 Manzanita, Suite 120
Carmichael, CA 95608
(916) 344-1320

April 25, 1997

Mr. Randazzo
6653 Embarcadero Dr., Ste. C
Stockton, Ca.]

Re: Karen Anderson

Dear Joe:

Karen has been experiencing difficulty abiding by the AFTER rules for visitation. Her behavior has been both upsetting to the children and inappropriate. I am going to outline the rules for you so that you can prepare her for her next visitation, which will not occur until May 6, 1997. This time period will allow you to deal both with the rules and her obvious hostility and resentment.

SUPERVISED VISITATION RULES

1. *Calmness and enjoyment of each other is the focus of the visit.*

Discussion of an adult friend who tried to make contact with the children, missed them - followed by a detailed description of a serious accident this person was in, including bodily injuries and vehicle damage.

Ongoing statements about brother moving. When he never moves.

Ongoing statements about brother expected to join the visit going on presently, followed by statements of not knowing where he is or what happened.

Statements of a neighbor's horse dying followed by her question to the children about wanting her to bring in pictures of their horses.

Any statement that would induce anxiety, fear, guilt, or sadness.

2. *No contact with or discussion of other parent/guardian during visitation.*

3. *No discussion of court system, money, or future visitations/contacts with children.*

Karen has, on her own initiative, and from the second visitation on, discussed changes in the visitation in front of the children. This includes day of visit as well as times and location. Her description to her attorney

that her son continues to complain of these visits is a distortion. This happened one time, on March 4th, since then Karen herself has instigated all conversations on that subject.

4. *Supervisor must see and approve all toys, gifts, cards, letters and food prior to visitation. Gifts are only for special occasions and are to be given equally to each child (the same amount and of equal value). Once gifts are given to the children they are the property of the children, and they may take the gifts with them.*

Karen has defied this rule almost every time she has a visit. In addition, knowing that this rule exists, she allowed Mark to bring unauthorized gifts to a visit, which upset both Mark and the children, when the children were not allowed to receive them. I had a discussion with Karen on 1/16/97 about this very issue in which I informed Karen that she would need to review the supervision rules with her older children if they chose not to come to her intake on 1/20/97. .

5. *No yelling, spanking or negative remarks to the child(ren).*

6. *All body contact between clients(s) must be prior approved.*

7. *No alcohol or drugs in body(s) of client(s) during visits.*

8. *No wrestling or play fighting/hitting during the visit.*

9. *The visitation should include only the parent and child(ren) specified unless prior approval has been given by the supervisor, Executive Director, courts, and parties involved with the children.*

10. *The client must remain within visual and auditory range of the supervisor; should the child(ren) need to leave the room (bath room visits, etc.) the supervisor will accompany him/her with all children involved in the visit.*

Karen brought the game Pictionary to a visit. This game requires whispering. When asked not to whisper, Karen argued with the parent supervisor. She was instructed that if whispering was necessary to play the game that they should chose another game. Karen must take responsibility for not setting herself and her children up to break the rules.

11. *Payment is due in full prior to the visit beginning.*

12. *It is the responsibility of the parent(s) to clean up after himself/herself and the child(ren) prior to the end of the visit.*

Karen has been provided a five minute warning for cleanup. She has chosen to ignore the supervisor and continued to ask the children if they wish to play another game. One time this occurred while [redacted] was in the process of cleaning up. Furthermore, Karen is not to argue about whether or not the parent supervisor's watch is correct.

13. *Some supervised visits are tape recorded or video taped at the supervisor's discretion.*

14. *Visits are immediately ended if the supervisor feels the best interests of the child(ren) are at risk, or if the child expresses the desire to end the visit.*

In the past, Karen has been asked by the parent supervisor to move onto another topic, thereby indicating to her that she is discussing something inappropriate. She has continued to discuss the issue regardless of direction by the supervisor. Henceforth, the parent supervisor will be instructed to end visits immediately should Karen touch a topic that in anyway breaches the rules or may be determined, by the parent supervisor, to not be in the best interests of the children.

15. *All staff of AFTER should be treated with courtesy and respect; threats or yelling, etc., will not be tolerated and may result in termination of visitation service.*

Karen has been rude, defensive, hostile, threatening, demanding and oppositional defiant. This comes in the form of tone of voice, verbal and written threats and assaults, blatant disrespect for the Agency and its employees, including the parent supervisor, refusal to follow instructions, smerking and glaring, slander, and other antisocial forms of venting of her feelings. An example of a subtle way in which Karen shows her disrespect for me, has been for her to refer to me, during her supervised visits, as "Ms Nohl". While on the surface this appears to be polite, I doubt that she refers to you as Mr. Randazzo, or has referred to the children's past therapists by their formal names. I believe that this is a subtle way of Karen showing the children her displeasure with me and their connection with me. Consequently, I asked the Court to order her to refer to me as "Marsha" when she speaks of me to the children. This is now a Court Order.

No more of the aforementioned behavior will be tolerated by the Agency. At the first sign of any of the above behaviors, the visit will be terminated immediately and the Court will be notified immediately.

16. *Clients will not be allowed to tape record the sessions under any circumstances.*

17. *Taking photographs is not allowed during the visitation.*

Karen brought into a visit, photos of the children's pets, horses, and [redacted] bed. She indicates that the children made this request. However, in reviewing the notes of that visit, I found, once again, that this was a distortion on her part. In fact, it was she who asked the children if they would like her to bring in a picture of the horses. She neither asked the supervisor if this was okay to offer, nor did she offer them for approval. Instead, she presented them to the children just prior to leaving the visit.

18. PARENTING TIME: We do not do childcare; therefore, it is important for you as a parent to interact as equally as possible with each child. It is harmful to the children's well-being if any of the children feel ignored. After our last conversation I became acutely aware of your professional sensitivity regarding this case. Consequently I would like to request that all communication between us remain in written form, unless of course an emergency arises.

As the children's therapist, I have become increasingly concerned about Karen's behavior. **Her continued focus on proving that her ex-husband molested the children, subverts her stated goal of reunification. Therefore, while acknowledging the direction of treatment you have chosen to take with Karen** (Non Offending Parent), I urge you once again, to please focus on the **necessary attitudinal and behavioral changes necessary to achieve her expressed desire for reunification with her children.** Further, her ongoing need to believe that those of us who don't deal with her belief that Mr. Hoverson molested the children, are against her, is not only incorrect but damaging to her children and the reunification process. I beg you as her therapist to help her prioritize her goals.

Finally, during our last conversation I became acutely aware of your professional sensitivity as relates to this case. Therefore, I feel that further communication between us should be in written form.

Respectfully,

Marsha Nohl, MFCC

cc: Wessels
Dixon

Marsha Nohl, M.A.

Licensed Marriage Family Child Counselor
5120 Manzanita, Suite 100
Carmichael, CA 95608
(916) 344-1320

January 5, 1998

TO: Judge Harold Bradford

FROM: Marsha Nohl, M.A., MFCC

RE: Hoverson/Anderson

Dear Judge Bradford,

I write you regarding the ongoing actions of Ms. Anderson who continues to defy your Court Order. Ms. Anderson sends written messages to her daughter, [redacted], through [redacted] friends. [redacted] understands that her mother has a "no contact order" and that she is breaking the rules. This places [redacted] in the position of either accepting her mother's notes--thus colluding in violating the rules--or rejecting them, a most difficult thing for a child to do. So, [redacted] often keeps this correspondence secret but feels badly that she is a party to something she knows is not supposed to occur. Also, [redacted] told me that she feels ashamed. In many ways this use of the children is a reenactment of Ms. Anderson's ongoing mission to damage Mr. Hoverson by the allegation of molest, using other peoples' children to pass notes to [redacted], despite Court Orders. Ms. Anderson, who frequently boasts of telling the truth, seems not to understand or care that to put [redacted] in this position encourages her child to be deceptive and deceitful. Nor does Ms. Anderson appear to care about the damage done to [redacted] when she is used as a vehicle to break the rules or to attack someone she cares deeply about. In short, regardless of the limits set by the Court, or the emotional price her children must pay, Ms. Anderson appears determined to have her way at all costs.

Recently, one of [redacted] friends tried to pass him a note from Ms. Anderson. [redacted] reports that he refused his mother's note and told his friend not to do it again. In the enclosed letter Ms. Anderson admits that she tried to pass a "Get Well" card to [redacted] by means of one of [redacted] friends. Like her brother, little [redacted] refused the communication. These incidents in addition to increased threats by Ms. Anderson underscore her rapidly escalating defiant behavior. She teaches and preaches disregard for the law or rules and ignores the emotional, social and moral toll her crusade exacts on her children.

EX 11

Another escalation occurred on December 23, 1997 when Mr. Hoverson informed me that as he entered the AFTER offices prior to the supervised visit, he was accosted by Ms. Anderson's son, Mark, who attempted to serve him with the "Default Notice". Mr. Hoverson reported that Mark threatened him in front of the children saying, "your ass is in a sling and I'm a kickin". I verified this threat with the children. They not only confirmed the incident, but their entire affect changed, becoming both sad, and angry. The kids were alarmed by this threat and pondered its meaning. I called their attorney, Mr. Dixon and asked that he come to the next session, December 30, 1997, so that he could explain what a Default Notice is, and provide any other information the children might want. I am still unclear whether or not these children feel that their father is at physical risk from their brother Mark.

After the supervised visit on December 30, 1997, Mr. Dixon and I met with the children. He provided the necessary information regarding attempted service of the Default Notice, thereby further helping the children to understand what was going on. He explained that many people have received these Notices. Then came a discussion about the enclosed letter, sent to the entire congregation of the children's church.

The ongoing theme of disregard for the children's feelings is evident in this philippic of December 28, 1997. Notice that Ms. Anderson's letter is about her need to be heard; once again overriding any consideration for the impact on her children. The Minister naturally felt the need to respond to such an inflammatory statement to his congregation. At the time the Minister acknowledged that he was being sued by Ms. Anderson. Although it was obvious that the letter needed to be addressed, by the Minister, it was another ordeal for the children to face. They had to sit there as their friends heard about the details of the case. But there is no indication in Ms. Anderson's moralistic rhetoric that she cares about this aspect of her crusade. Here again [redacted], [redacted] and [redacted] must endure the threats and harassment of those they love by their mother. Each time Ms. Anderson publicly repeats the allegation that [redacted] was molested by her father, the girl must relive the embarrassment and anger that she and her siblings share.

Yes, these children have voluntarily expressed their anger towards their mother's behavior as well as their love for Her. And they see no end to it. In truth, Ms. Anderson, in her epistle to the congregation admits that she will never stop her struggle. This confuses her children who know that if she truly loves them and wants to be reunited, she cannot achieve this by the course she has charted for herself. Therefore, [redacted] has asked Mr. Dixon to "do what it

EX 11

takes to stop her" because he and his sisters feel that their wishes will have no influence on their mother. [redacted] knows that she is believed only when she says what her mother wants to believe. If she does not, then she is under the influence of others. They would not understand that in their mother's struggle against the evildoers who surround her there can be no compromise. Their minds do not operate on that level of abstraction.

This brings me to the final point. Ms. Anderson's escalating behavior reinforces the suspicion that her crusade against sin has nothing to do with the welfare of the children she claims to love. You may recall that a psychological evaluation of Ms. Anderson once failed to identify any major psychopathology. However, I must point out that such evaluations are not reliable when measuring characterological disorders. I am sure that you know that in the medical field there is a phenomenon known as "Munchausen by Proxy". This emotional illness has the mother knowingly inflict bodily harm--even unto death--on her offspring. Then the mother can bask in all the concern and attention that is lavished upon her. How important she becomes. Note that the perpetrator--usually a female-- exhibits a more than passing knowledge of medicine. Now, I would not presume to diagnose someone I had not treated. Moreover, to my knowledge there is no diagnostic criteria for the legal equivalent of Munshausen by Proxy. But it is suggestive that if you replace "hospitals" with "courtrooms", "medicine" with "law", "illness" with "molest allegations", and "doctors" with "lawyers", one might suspect that the Hoverson children may be dealing with something more sinister than, or in addition to, the alienating behavior of a parent.

Respectfully,

Marsha Nohl, M.A., MFCC

cc: Larry Dixon
File

Enclosure

Ex 11

Form **990**

Department of the Treasury
Internal Revenue Service

Return of Organization Exempt From Income Tax

Under section 501(c) of the Internal Revenue Code (except black lung benefit trust or private foundation) or section 4947(a)(1) nonexempt charitable trust

Note: The organization may have to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-0047

1997

This Form is Open to Public Inspection

A For the 1997 calendar year, OR tax year period beginning , 1997, and ending , 19

B Check if: ☐ Change of address ☐ Initial return ☐ Final return ☐ Amended return (required also for State reporting)

Please use IRS label or print or type. See Specific Instructions.

C Name of organization: A.F.T.E.R./PARENTS UNITED OF SACRAMENTO

Number and street (or P.O. box if mail is not delivered to street address): 5777 MADISON AVE. Room/suite: 240

City, town, or post office, state, and ZIP+4: SACRAMENTO, CA 95841

D Employer identification number: 68-0147404

E State registration number: D-1630604

F Check ▶ ☐ if exemption application is pending

G Type of organization ▶ ☒ Exempt under 501(c) (3) ◀ (insert number) OR ▶ ☐ section 4947(a)(1) nonexempt chartitable trust

Note: Section 501(c)(3) exempt organizations and 4947(a)(1) nonexempt charitable trusts MUST attach a completed Schedule A (Form 990).

H(a) Is this a group return filed for affiliates? ☐ Yes ☒ No

(b) If "Yes," enter the number of affiliates for which this return is filed: ▶

(c) Is this a separate return filed by an organization covered by a group ruling? ☐ Yes ☒ No

I If either box in H is checked "Yes," enter four-digit group exemption number (GEN) ▶

J Accounting method: ☒ Cash ☐ Accrual ☐ Other (specify) ▶

K Check here ▶ ☐ if the organization's gross receipts are normally not more than $25,000. The organization need not file a return with the IRS; but if it received a Form 990 Package in the mail, it should file a return without financial data. **Some states require a complete return.**

Note: Form 990-EZ may be used by organizations with gross receipts less than $100,000 and total assets less than $250,000 at end of year.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances

Revenue	1	Contributions, gifts, grants, and similar amounts received:			
	a	Direct public support	1a	1,298.	
	b	Indirect public support	1b		
	c	Government contributions (grants)	1c		
	d	**Total** (add lines 1a through 1c) (attach schedule of contributors) (cash $ 1,298. noncash $)			1d 1,298.
	2	Program service revenue including government fees and contracts (from Part VII, line 93)			2 1,322,717.
	3	Membership dues and assessments			3
	4	Interest on savings and temporary cash investments			4
	5	Dividends and interest from securities			5 6,076.
	6 a	Gross rents	6a		
	b	Less: rental expenses	6b		
	c	Net rental income or (loss) (subtract line 6b from line 6a)			6c
	7	Other investment income (describe ▶)			7
	8 a	Gross amount from sale of assets other than inventory	(A) Securities	(B) Other 8a	
	b	Less: cost or other basis and sales expenses		8b	
	c	Gain or (loss) (attach schedule)		8c	
	d	Net gain or (loss) (combine line 8c, columns (A) and (B))			8d
	9	Special events and activities (attach schedule):			
	a	Gross revenue (not including $ of contributions reported on line 1a)	9a		
	b	Less: direct expenses other than fundraising expenses	9b		
	c	Net income or (loss) from special events (subtract line 9b from line 9a)			9c
	10 a	Gross sales of inventory, less returns and allowances	10a		
	b	Less: cost of goods sold	10b		
	c	Gross profit or (loss) from sales of inventory (attach schedule) (subtract line 10b from line 10a)			10c
	11	Other revenue (from Part VII, line 103)			11
	12	**Total revenue** (add lines 1d, 2, 3, 4, 5, 6c, 7, 8d, 9c, 10c, and 11)			12 1,330,091.
Expenses	13	Program services (from line 44, column (B))			13 847,926.
	14	Management and general (from line 44, column (C))			14 364,794.
	15	Fundraising (from line 44, column (D))			15
	16	Payments to affiliates (attach schedule)			16
	17	**Total expenses** (add lines 16 and 44, column (A))			17 1,212,720.
Net Assets	18	Excess or (deficit) for the year (subtract line 17 from line 12)			18 117,371.
	19	Net assets or fund balances at beginning of year (from line 73, column (A))			19 124,853.
	20	Other changes in net assets or fund balances (attach explanation)			20 0.
	21	Net assets or fund balances at end of year (combine lines 18, 19, and 20)			21 242,224.

Footnotes Statement 1

DETAIL GOVERNMENT FEES:

COUNTY OF SACRAMENTO	116,566.
COUNTY OF SANTA CRUZ	333.
COUNTY OF HUMBOLDT	650.
COUNTY OF YUBA	180.
COUNTY OF PLACER	780.
COUNTY OF EL DORADO	2,715.
FEDERAL CONTRACT	54,285.
COUNTY SAC-MEDI-CAL	481,612.
TOTAL	657,121.

DETAIL CLIENT FEES & INSURANCE:

VICTIMS OF CRIME PROGRAMS	100,448.
CLIENTS-SELF PAY	135,467.
INSURANCE	4,908.
FIRST OFF. DRINKING DRIVER PROGRAM-SELF PAY	424,773.
TOTAL	665,596.

EX 12

FILED AUG 27 1996

SCRIPPS PSYCHOLOGICAL ASSOCIATES, INC.
ASSESSMENT, CONSULTATION & FORENSIC PSYCHOLOGY
PSYCHOTHERAPY & BEHAVIOR MODIFICATION

CHILD CUSTODY EVALUATION

August 22, 1996

The Honorable W. Jackson Willoughby
Judge of the Superior Court
Placer County Municipal Court
300 Taylor Street
Roseville CA 95678

Re: Miroth vs. Klossner
Placer County Superior Court Case No: SJV1779

List of Parties:		
	Cynthia Klossner	BD: 2/15/52
	Vern Miroth	BD: 3/12/43
	[redacted] Miroth	BD: 11/20/92
	Siobhan Klossner	BD: 4/18/79

Dear Judge Willoughby:

Upon Court appointment, the following are the results, impressions and recommendations from this child custody and psychological evaluation regarding the matter of Miroth vs. Klossner. This evaluation was performed pursuant to Section 730 of the Evidence Code in order to provide the Court with information, diagnostic data, and recommendations which are in the child's best interest in this case. It is my understanding that the Court is requesting a full evaluation of the parties in this matter in order to make recommendations concerning a parenting and custody plan and other pertinent recommendations regarding the child's best interests in this matter.

There is one minor involved in the current evaluation. [redacted] Miroth is three years of age. Her biological parents are Cynthia Klossner (44) and Vern Miroth (53). At the present time, the father has physical custody of the child, and the mother has been allowed only supervised visitation since approximately late March of this year.

Throughout this report this examiner will refer to the family members by their first names. The use of their first names is strictly for ease of communication and is not meant to convey any familiarity with any of the family members nor any lack of respect for the parties involved in this case.

In this matter, Placer County is represented by Jo McCormack, Attorney at Law, with the Placer County, County Counsel's Office. [redacted] is represented by Rebecca Bowman, Attorney at Law. Vern Miroth is represented by Donald D. Welch, Attorney at Law. Cynthia Klossner is represented by David R. Lane, Attorney at Law. Siobhan

EX 13

Vern's evaluation indicated that he had been convicted of one crime in his life, driving under the influence of alcohol in the mid-1980's, when he was going through a divorce process. It is also noted that following their divorce, Vern's first wife and young son were murdered in 1978 by Richard Trenton Chase, who was known in the area as the "Vampire Killer." Vern's young nephew was also murdered by this individual. Vern indicated during the evaluation that he mostly drinks beer and wine. He reported that his maximum alcohol consumption would be approximately four beers each week. He also told Dr. Ebert that the last time he was intoxicated with alcohol was when he was cited for driving under the influence of alcohol in the mid-1980's.

It is noted that Vern was very defensive and guarded when completing the psychological testing protocols. The MMPI-2 clinical scales were within normal parameters, although he was guarded and defensive on this protocol. Vern was seen as somewhat intolerant and insensitive in interpersonal relationships. Dr. Ebert also believed that Vern was somewhat dependent. There was a high score on the Dependency scale of the MCMI-II. Dr. Ebert noted that many times individuals with this type of score have a propensity towards substance abuse. This did raise a concern for Dr. Ebert.

Siobhan was also interviewed by Dr. Ebert. She discussed some of her concerns regarding Vern's behavior and Vern's alleged alcohol abuse. She also discussed the time when Vern allegedly laid on top of her on the floor of the home and bit her on her breast. She indicated that Vern had shown her a brief portion of a pornographic movie in either 1993 or 1994. She indicated to Dr. Ebert that it was important for children to have their fathers and told him that there had been significant fighting between her mother and Vern. Siobhan did not want Vern to go to jail.

Dr. Ebert spoke with Julie Jeffs, who is a detective with the Placer County Sheriff's Department. She investigated the complaint involving Siobhan and Vern. Det. Jeffs also discussed the matter with Placer County CPS. A decision was made that there would be no prosecution.

In conclusion, Dr. Ebert believed that there was some evidence regarding an alcohol abuse problem involving Vern. He believed that Vern clearly had an alcohol abuse problem in the past, although it was somewhat unclear as to whether there was a current drinking difficulty. Dr. Ebert also believed that there had been some poor judgement involving Vern and Siobhan, at least in terms of showing a portion of a pornographic movie to Siobhan. He believed that there was essentially no evidence to support Cynthia's allegations that Vern had abused [redacted] in any way. Some of the allegations made by Cynthia were noted to occur during times of supervised visitation. Dr. Ebert believed that the supervisors were credible individuals.

Ex 13

Bruce W. Ebert, Ph.D., J.D.
775 Sunrise Ave., Suite 160
Roseville, CA 95661
(916) 781-7875 (O)
(916) 781-2632 (F)
Lic. # PSY7461

November 22, 1995

[redacted]

NAME OF MOTHER:	Cynthia Klossner
Age:	43
DOB:	February 15, 1952
Gender:	Female
Race:	Caucasian
Residence:	2255 Riosa Road Lincoln, CA 95648
NAME OF FATHER:	Vern Miroth
Age:	52
DOB:	March 12, 1943
Gender:	Male
Race:	Caucasian
Residence:	1854 Hungry Hollow Road Lincoln, CA 95648
NAME OF CHILD:	[redacted] Miroth
Age:	3
DOB:	November 20, 1992
Gender:	Female
Race:	Caucasian
Residence:	2255 Riosa Road Lincoln, CA 95648
EXAMINER:	Bruce W. Ebert, Ph.D., J.D. Diplomate of Clinical Psychology American Board of Professional Psychology Diplomate of Forensic Psychology American Board of Professional Psychology Diplomate of Medical Psychotherapy American Board of Medical Psychotherapy Licensed Psychologist

EX 14

With respect to the allegations of sexual abuse there is no credible evidence to conclude Vern sexually abused [redacted]. The only piece of evidence offered to support the theory that Vern abused [redacted] is some doll play observed by Cynthia.

With respect to the allegations of inappropriate conduct by Vern directed towards Siobhan, there does appear to evidence of, at a minimum, bad judgment. Siobhan is clearly on her mother's side. On the other hand she is a very credible witness. She reports events that raise concern. It is interesting that she speaks positively of Vern and that she does not want him to be prosecuted. She clearly accepts the idea that the breast incident was accidental. She presents a realistic picture of the movie incident.

Finally, there is evidence of an alcohol problem. Vern is clearly well defended and does not want to admit he has a current alcohol problem. There is some evidence of such noted above. I think it is prudent to require some alcohol assessment and treatment across time. Some work is needed with Vern to control the volume of his voice which is probably intimidating to both Cynthia and Vern.

Respectfully submitted,

Bruce W. Ebert, Ph.D., J.D.
Clinical and Forensic Psychologist

Ex 14

The teenage driver, Rabinder Jeff McPhee / Press-Tribune

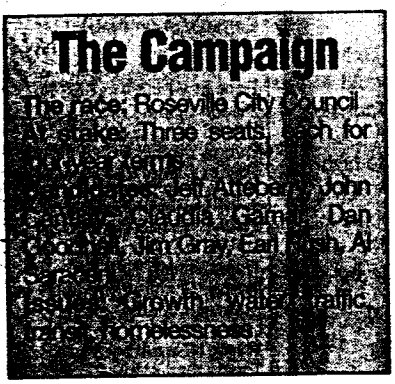
Jeff McPhee / Press-Tribune

...the action during a Roseville City Council Candidates Forum, Tuesday at Roseville ...ered a panel's questions about local issues.

...ates take to the airwaves

N

...a small ...ht, the ...on the ...issues ...growth and ...riends of ...ublic ...regarding ...w to deal ...ested that ...which helps ...ast-month's ...utilities — ...civil engi... ...ways been a ...govern-



ment has no business.

"It's the responsibility of the people to support the programs, not to use the money that's forced from them in taxes," Atteberry said. "And this means the support organizations are held responsible to the people that are supporting them, that the money isn't with some bureaucrat."

Roseville does have some homeless who are truly needy, but the rail system brings in "out-of-towners" too, he said. Those who are truly needy must be given "a hand up."

Candidate Dan Goodhall, chairman of the Planning Commission, agreed vouchers are not solving the problem. Private enterprise still does a better job, he said.

Placer County has adequate funds to take care of the area's homeless population, Councilman Jim Gray said. Gray said he won't spend city funds for more than vouchers at this point.

One big issue for small-businessman Al Saraceni was the city's diversion of traffic impact fees from needed areas.

"We need to break up those fees and get them into the project areas," Saraceni said.

Saraceni took issue with city-owned Roseville Electric allegedly overcharging its customers some $5 million beyond the

See CAMPAIGN / page A6

Complaint claims judge may be ousted

Bailiff, court clerk claim they were sexually harassed; files indicate county apologized

By JOHN TRUMBO
Gold Country News Service

AUBURN — A bailiff and a court clerk for Placer County Superior Court Judge W. Jackson Willoughby claim their boss "physically sexually assaulted" them during their employment in his court.

Bailiff Glenda Sue Moulton and clerk Kimberly Maudlin are represented by Sacramento attorney John Poswall, who filed the complaints Tuesday with the state Board of Control, the Department of Fair Employment and Housing, and the county Board of Supervisors.

The complaints are a prelude to lawsuits that will be filed against the county and Willoughby, Poswall said.

According to the complaint, county Personnel Director Jim Gray advised Moulton and Maudlin in separate letters Sept. 17 that an investigation concluded Willoughby "subjected (them) to unwelcome sexual conduct in violation of county policy."

According to the complaint, Gray's letters continued with an apology and stated, "The (investigators') report acknowledged that the county lacks the power to terminate Judge Willoughby, an elected judge, and confirmed that only the California Commission on Judicial Performance has (that) power."

To Moulton, Gray wrote, "The county will work with the presiding judge and the Commission on Judicial Performance to attempt to have Judge Willoughby removed from the Superior Court to facilitate your more comfortable return to a bailiff position."

Placer County received a complaint of sexual harassment from the two women on July 7. The complaint was investigated at the county's request by the private firm of Kay and Stevens. Willoughby stepped down as presiding judge on Aug. 5. He is receiving pay but is not serving while the matter is investigated. He has not been available for comment since he issued a written public statement about stepping down as presiding judge.

"Although I have not seen the complaint and I am not aware of the details of the charges, I do not believe I can

See JUDGE / page A6

...ning up ...

Teen driver may face charges

...vehicle-related acci... driver, whose name is not being

Campaign

Continued from Page A1

cost of the operation. That money, he said, went into Roseville's general fund, and is therefore a tax which voters should be allowed to decide.

Roseville's growth was an issue too.

Earl Rush, chairman of a committee that updated the general plan member of the 1989 growth task force, lauded the city's growth.

"We have nine acres of parks for every 3,000 residents. That's three times what the state requires," he said.

Gray said the city's ideal population is one that the city can support and that doesn't detract from Roseville's quality of life. "(That's) dictated by the general plan. It could go up or it could go down. What should it look like at build-out? A lot like it does now."

Folsom and Roseville are looking at growth and whether will have enough water for all those people. Roseville's own water contracts will expire in 12 years.

Gamar claimed her city has been forward-thinking by using reclaimed water on its golf courses and parkland. As a member of the Water Forum, she said she has tried to work through water issues throughout the foothills and the Sacramento region.

Most of the candidates support the construction of the Auburn dam to store water and protect communities downstream on the American River.

The ninth-fastest growing city in the state, Roseville will need more transportation improvements in the coming years. One idea is expanding light rail up Interstate 80 from Watt Avenue in North Highlands and into Rocklin.

"The American population is in love with their automobiles," Rush said. "Some people are dependent on their automobiles to do their job, to get stories or sell insurance. The way we need to handle this is the way we did many years back: to keep the roads improved to keep pace with the growth. You need to have a large population base for many forms of public transportation to be viable. We don't have the congestion here in Roseville."

John Cantlay, a state correctional officer, disagreed.

Light rail is viable, Cantlay said, and Folsom's American River Bridge project over Lake Natoma will help. He used to park his car at the Watt Avenue-Interstate 80 station, ride light rail into Sacramento and wonder if his car would be there when he returned. But putting "a nice station" in Roseville would be cost-effective and safe, he said.

Gray wondered why, as Roseville gets bigger, people would be commuting out of Roseville at all. Each company that moves to the city must present a plan, showing officials how it will reduce the number of trips to and from its office. The key is placing housing by jobs, and the City Council has done a good job, Gray said.

Three candidates were questioned

Judge

Continued from Page A1

effectively perform the duties of presiding judges under these circumstances," Willoughby stated. "Therefore, I have voluntarily stepped aside."

Judge Larry Gaddis has since assumed the duties of presiding judge.

The legal filings Tuesday provide the first look at the reasons for Willoughby's self-removal from the bench.

The complaints claim that on or about Nov. 26, 1997, Willoughby approached Maudlin and pressed the lower part of his body against her lower back side in a suggestive, sexual manner.

Mauldin, who is 29 and single, said she did not file a claim within the required six-month period because she "was fearful that no one would believe her against such a powerful person."

After Moulton told Mauldin that Willoughby had fondled her breasts, Mauldin decided to share her story.

Moulton alleges Willoughby called her into his office on or about May 4, 1998, closed the door, hugged her and grabbed her breasts with both hands, causing her "great embarrassment, humiliation, shock and distress."

On other occasions, according to Moulton's complaint, Willoughby made inappropriate comments about her body. Moulton told her sergeant about the incidents and was transferred out of Willoughby's courtroom. She later requested reassignment to Placer County Jail.

In her complaint to the state Department of Fair Employment and Housing, Mauldin said she noticed Willoughby staring at her body, talking "to her chest" and looking down her blouse from the bench — "undressing me with his eyes."

She said Willoughby also made gender-based and sexual comments concerning defendants, female attorneys and other county employees.

Mauldin said Willoughby told her she needed a "sugar daddy," and inquired into her personal dating life.

Poswall said he will forward a copy of the complaints to the California Commission on Judicial Performance.

Charges

Continued from Page A1

commission of an unlawful act, not amounting to a felony, and with gross negligence.

Meanwhile, Christine's mother, Colleen Elder, said her family is grappling with the loss.

week while driving to school.

"It's our time to have some closure and to remember Mary and Chrissy," she said.

4th Annual Pumpkin Hunt
by narrow gauge rail
Daily Rides
Adults $6.00 • Children $3.00
Sun.-Thurs. 10am, Noon, 2pm, 4pm
Fri.-Sat. Noon, 2pm, 4pm
Nevada County Tract
Upper parking lot. Northern Queen Inn • 402 Re
www.northernqueeninn.com • Depot hours 9:3

Find Tomorrow's Treasu
New! And *perfect* for your plate collection...
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Eugene P. Roeder, Ph.D.
Clinical & Forensic Psychology

CHILD CUSTODY EVALUATION FOLLOW UP

CASE NAME: Miroth/Klossner

PLACER COUNTY SUPERIOR COURT CASE NO.: SDR2825

DATE OF REPORT: 2/11/00

IDENTIFYING INFORMATION: Cynthia Klossner and Vernon Miroth were referred for a follow up of their child custody evaluation by Judge John L. Cosgrove, of the Placer County Superior Court. The family was previously evaluated in 1995 by Dr. Bruce Ebert and in 1996 by Dr. Sidney Nelson. The couple has a daughter [redacted] who is now 7.

EVALUATION PROCEDURES: In addition to reviewing the evaluations conducted by Dr.'s Ebert and Nelson, this examiner had the opportunity to review various documents presented by the parties, conduct clinical interviews with each of the parents, interview [redacted] and conduct conjoint sessions with each parent. In addition, with Ms. Klossner's permission, her former counsel and visitation supervisor, Sherrill Linker was interviewed.

RELEVANT HISTORY: The parents, who will be referred to by their first name throughout this report for ease of communication, were never married, and only lived together for a short period of time after [redacted] birth. At the time of the original evaluation by Dr. Ebert in 1995, there were concerns about Vern's drinking, and although his visits with [redacted] had been supervised, it was recommended that his parenting time gradually be expanded. Cindy reports that in March of 1996, [redacted] was taken away from her by CPS without adequate explanation, and she later learned that this occurred because she had made too many complaints to CPS about what she considered to be Vern's inappropriate behavior toward both [redacted] and her daughter from her previous relationship Siobhan, who is now 20. For the next three years, visits between Cindy and [redacted] were supervised.

By June of 1999, [redacted] was visiting with her mother every other weekend, without any supervision. In the late summer and early fall of 1999, there were several more complaints to CPS. As Vern recalled, the first complaint was that he wasn't taking [redacted] to the doctor, the second complaint was pertaining to him hitting her with a belt, and the third complaint was that he was sexually abusing [redacted] Each of these complaints were determined to be unfounded, Vern said, and the Court return Cindy's visits to supervised. The visits are now being supervised

13620 Lincoln Way, Suite 360 • Auburn, California 95603 • (530) 885-3858 • Fax (530) 885-3876
License Number PSY7806

EX 17

by an attorney friend of Cindy's, Christopher Terrill, someone who Vern noted is "a hell of a guy" for sacrificing his time like this.

PRESENT SITUATION: Vern acknowledged that, on one occasion this last summer, he had threatened to hit [redacted] with a belt if she didn't stop doing something, and as she did not stop her behavior, he felt as though he had to follow through with his threat. After CPS contacted him and told him to not hit [redacted] with a belt, he stopped doing this. [redacted] likes to sleep in his bed, Vern said, and he does sleep in the nude, but after CPS told him that he is not allowed to sleep in the nude with her, he responded, "You're right, she is getting older. I make sure I have my pajamas on now."

Although unsupervised visits had been going well, and Vern had enjoyed having some free time, Cindy "blew it" by arranging for other people to make CPS complaints against him, Vern said. He had wanted to think that unsupervised visits would be appropriate, even though some people had warned him against this, but he is now convinced that Cindy should not be alone with [redacted]. Vern noted that it was never he who pursued custody of [redacted], but rather this happened through the intervention of Child Protective Services, and now she has become his life. He added that Cindy did so much to try to destroy him, she ended up destroying herself.

From Cindy's perspective, the case against her has always been an issue of prejudice, as it was actually Vern who made at least 50% of the calls to CPS, but she was blamed for all of them because CPS already had a bad opinion of her. She had been told that the original CPS investigator on her case was a "bumbling idiot" who had a bad reputation, and who produced an unfair report. Asked why this happened to her, Cindy responded, "I was a thorn in their side. They needed to take care of me, and this is how they did it." She also noted that her going to the police and the women's shelter giving them information about Vern worked to her disadvantage, and she summarized, "What I did damaged my children more."

With respect to the specific recent complaints, she does not have any knowledge of the complaint about [redacted] not receiving adequate medical attention. She did notice bruises on [redacted] in August of 1999, and Ms. Linker instructed her to take photographs of these. Cindy contends that it was Ms. Linker who actually reported the bruises to CPS, and Ms. Linker confirmed that, as an officer of the court, she was required to make such a report. The September complaint was initiated by some friends of Cindy's, who furnished a form of a declaration describing their concerns. Cindy summarized, "I didn't call, I didn't have somebody call for me, and I will *not* call CPS in the future."

Cindy expressed a great deal of concern about her contention that Vern is showing the psychological evaluation of Dr. Nelson to everyone involved in [redacted] life, including all of the school personnel, her daycare, and even the visitation supervisor. She noted that Dr. Nelson's evaluation was erroneous as she never even talked to him, crying throughout the entire session;

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"so I don't know how he got his information." She noted that Dr. Nelson has been prohibited from conducting psychological evaluations in Sacramento County, as there are 12 other women with the exact same psychological evaluation as hers, word for word, with only the names changed. She noted that the investigation against Dr. Nelson is ongoing, but was not willing to provide any further details.

Cindy rents a house in Roseville, which she shares with her daughter. She is employed at Kaiser Hospital as a health unit coordinator, explaining that she runs the nursing unit and does all of the transcription. Asked what she would like to see happen in this case, Cindy noted that she would like to be [redacted] mom, have more of a positive role in her life, have joint legal rights to make decisions, and be able to talk to her without Vern listening in. Cindy noted that both of them are allowed to tape each other's telephone calls, and she records all of her calls, so she doesn't think there will be any difficulty with she and Vern being able to communicate and come to agreements.

Vern and [redacted] live in Lincoln, and he commutes to work at the California State Office of Publishing as a printer. His work day is from 6:30 a.m. to 3:00 p.m., Vern noting how difficult it was to get [redacted] up at 5:00 a.m. and take her to daycare so he could get to work on time. She has a wonderful daycare, he noted, and this has helped the situation tremendously. Vern acknowledged that he continues to drink beer and wine, saying, "I'll have a couple of beers after work," but contending that he has not been under the influence of alcohol since [redacted] returned to live with him.

The information derived from the interviews with [redacted] and Ms. Linker indicate that Vern is functioning appropriately as a single parent, and [redacted] continues to enjoy a positive relationship with her mother. [redacted] is very bothered by the conflict between her parents, and she noted that her mother "hates" the fact that she lives with her father. Although [redacted] appears to be reasonably content in her father's custody, she would very much like to spend more time with her mother. Indeed, the conjoint sessions held between [redacted] and each parent demonstrated a playfully positive relationship she has with each of them.

SUMMARY & RECOMMENDATION: Vern Miroth has made some recent serious errors in his parenting of this couple's 7 year old daughter [redacted] in hitting her with a belt and sleeping with her while he is nude. When these errors were brought to his attention, he appropriately corrected his behavior, and there have been no further problems in these areas. Cindy has in the past made complaints to CPS which were clearly unfounded, and which appear to be more a product of her particular personality than actual reality. In this examiner's opinion, the complaints raised in 1999 do have merit, but even Cindy would agree that involvement of Child Protective Services and the legal system has become detrimental to [redacted].

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MIROTH/KLOSSNER
Child Custody Evaluation Follow Up
PCSC Case No.: SDR2825
February 11, 2000

In this examiner's opinion, [redacted] best interest is maintained by continuing her in the primary care of her father, Vern Miroth. It is very unfortunate for [redacted] that her mother's past inappropriate actions, which she continues to deny, are still having an ongoing effect, and are depriving [redacted] of being able to have a better relationship with her mother. In this examiner's opinion, it would be much more appropriate in this case for [redacted] visitation with her mother to become unsupervised, and for her to be receiving supportive services from a child therapist who could also meet with Vern to offer him guidance. A therapist serving in this capacity would have the ability to communicate with [redacted] attorney, Ms. Bowman, regarding any concerns which might arise. These sessions could be on an every other week basis, decreasing as the therapist deems it appropriate. In addition, a child therapist could assist Vern in dealing with appropriate parenting issues, issues which are certain to become even more challenging as [redacted] matures.

This examiner would suggest that Ms. Klossner's visitation first become unsupervised for a one day visit, such as currently exists, and this be continued for four visits. If authorized by Ms. Bowman in the absence of any complications, the next four visits would then be overnights from 24 to 30 hours in duration. Again, with the approval of the attorney for the child in the absence of any contraindications, the visitation would then revert to Judge Cosgrove's order of June 7, 1999. It is recommended that the Court grant Ms. Bowman the authority to reimplement the supervised visitation order pending a hearing should the situation deteriorate and this be seen as being in [redacted] best interest. The evaluation follow up results suggest that this will not be necessary, as Ms. Klossner does appear to have an appreciation for the damaging effects of inappropriately involving the authorities in her daughter's life, but the history of this case suggests that ongoing positive developments are not a certainty.

Eugene P. Roeder, Ph.D.
Clinical Psychologist
License No. PSY7806

EX 17

SCRIPPS PSYCHOLOGICAL ASSOCIATES, INC.
ASSESSMENT, CONSULTATION & FORENSIC PSYCHOLOGY
PSYCHOTHERAPY & BEHAVIOR MODIFICATION

March 1, 1999

The Honorable Gail D. Ohanesian
Judge of the Superior Court
Sacramento County Superior Court
720 Ninth Street, Department 26
Sacramento CA 95814

RE: Tornes vs. Brown
Case No: 98FL00303

Dear Judge Ohanesian:

Pursuant to your request, I will respond to your letter dated 2/23/99. I was well aware that the mother in this case, Monica Tornes, absconded with her daughter, [redacted], and it would appear that Ms. Tornes and [redacted] travelled extensively throughout Europe and Latin America before returning to the United States. They apparently were apprehended on the East Coast and were transported to California. It is further my understanding that [redacted] is presently in the full custody of her father. Based on a review of the documents the court supplied to my office, it would appear that Monica and [redacted] returned to the United States on 2/22/99 after Monica absconded with [redacted] prior to the completion of the 730 child custody evaluation. They were detained at the Newark Airport by custom's agents.

The court requested that I review two Investigation Reports by the Placer County District Attorney's Office and provide a brief updated recommendation regarding custody and visitation issues now that [redacted] is in her father's custody. After reviewing the relevant documents, I would offer the following recommendations:

1. I believe that [redacted] is safe in the care of her father. I reviewed my original child custody evaluation, dated 11/16/98, and on page 54 of this report, it was my conclusion that the father posed no danger to [redacted]. This conclusion was based upon a comprehensive child custody evaluation of the family members. I know of no further information which would contradict my conclusion in this matter. It would also appear that [redacted] and her father are residing, at least on a temporary basis, with the father's mother, and this is likely positive for [redacted] as it provides her with a familiar person to care for her while her father is at work. Accordingly, I would recommend that [redacted] remain in the sole custody of her father.

2. I would also strongly recommend that [redacted] and her father be referred to a competent psychotherapist. I had recommended in the previous child custody evaluation that professional

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intervention and counseling by a therapist was indicated in this matter. [redacted] has been through a great deal of trauma, and she will now need to adjust to her new living situation. The recent loss of her relationship with her mother, with whom she was closely bonded, also needs to be addressed in her treatment. I would recommend that [redacted] and her father see the same therapist, who can provide individual counseling and therapy for [redacted] and conjoint therapy for [redacted] and her father. I am certainly available to provide a recommendation for a therapist who could provide these services for the family.

3. I would also recommend that any contact between [redacted] and her mother be closely supervised and monitored by a responsible adult who can ensure the court that they can provide a safe and secure location for their visits. [redacted] mother has demonstrated to the court her ability to abscond with [redacted] and take [redacted] out of the country, which would indicate that continued monitoring of their visits is required.

I hope this information is of assistance to the Sacramento County Superior Court in terms of determining an appropriate parenting plan and visitation schedule which is in [redacted] best interest in light of the extraordinary nature of this matter. Please feel free to contact my office at your earliest convenience if I can provide any additional information.

Respectfully submitted,

Sidney K. Nelson, Ph.D.

Sidney K. Nelson, Ph.D.
Licensed Psychologist

SN/dl
cc: Judith Hersh Clark
Attorney at Law
600 Tenth Street
Sacramento CA 95814

Monica Tornes
In pro per

EX19.1

RPD 1 (1/99)

( ) CONTINUATION REPORT
(X) SUPPLEMENT REPORT

ROSEVILLE POLICE DEPARTMENT
1051 Junction Blvd. - Roseville CA 95678
CA 0310500 - (916) 774-5000

JULIAN	YEAR	RPT NUMBER
80	99	2344

COPY TO	ATTY	CAU	CPS	CSO	DA	DET	NPU	PROB	SCAT	SIU	VW	YSO	OTHER	PRESS	INDEX
			X		X	X					X		ACCESS FOR CPS & APS		

CRIME/INCIDENT	CLASSIFICATION	OFFENSE CODE	DATE OCCURED	TIME OCCURED
368(c)PC	ELDER ABUSE	0440	3-21-99	0119
LOCATION ADDRESS / NAME		**BEAT/ RPT DIST**	**DATE REPORTED**	**TIME REPORTED**
1104 DOLPHIN CT		3B	3-21-99	0119

REF (A) KENNETH BROWN, 5-2-61

REF (M) RUTH BROWN, 8-3-22, 155-12-4446, 1104 DOLPHIN CT RSVL, CA 95661 781-3392
REF (M) [redacted] BROWN, 3-3-951104 DOLPHIN CT RSVL, CA 95661 781-3392
REF (M) ROGER DEL PAPA, ACCESS CASE WORKER

ON 3-21-99, AT APPROX. 0119 HRS, I DROVE TO 1104 DOLPHIN CT ON A REPORT OF DOMESTIC VIOLENCE BETWEEN A MOTHER AND HER ADULT LIVE-IN SON.

UPON MY ARRIVAL, AT 0126 HRS, SGT. TOUPIN AND OFC MOORE WERE ALREADY ON SCENE. I WENT INSIDE THE RESIDENCE TO SPEAK TO BROWN'S 4 YRS OLD DAUGHTER, [redacted] BROWN, WHO WAS SITTING IN THE LIVINGROOM WITH OFC MOORE.

I SPOKE TO [redacted] WHO STATED SHE WAS SLEEPING IN HER ROOM WHEN HER FATHER, KENNETH BROWN, BEGAN SCREAMING AT HER GRANDMOTHER, RUTH BROWN. KENNETH AND RUTH WERE ARGUING IN RUTH'S BEDROOM, WHEN KENNETH BEGAN TO SCREAM AND THROWN THINGS AT RUTH. [redacted] SAW HER GRANDMOTHER BLEEDING PROFUSELY AND BECAME SCARED.

[redacted] WAS VERY ARTICULATE FOR A 4 YR OLD. SHE CONTINUED TO STATE THAT HER FATHER WAS NOT A BAD PERSON AND SHOULD NOT HAVE MADE HER GRANDMOTHER BLEED. [redacted] WAS UPSET BY THE AMOUNT OF BLOOD INSIDE THE HOUSE. SHE REFUSED TO GO NEAR THE BLOOD ON THE FLOOR OR GO NEAR RUTH. SEVERAL TIMES RUTH ASKED [redacted] TO SIT NEXT TO HER ON THE COUCH. [redacted] NEVER CAME CLOSER THAN A FEW FEET OF RUTH DURING MY TWO HOURS AT THE RESIDENCE, EVEN AFTER RUTH HAD CLEANED HER WOUNDS AND CHANGED HER CLOTHES. [redacted] SPENT MOST OF HER TIME SITTING NEXT TO THE FIREPLACE ALONE REPEATING SHE DID NOT WANT HER FATHER TO GO TO JAIL. INITIALLY [redacted] TOLD ME SHE WANTED TO SPEND THE NIGHT AT A DIFFERENT HOUSE. SHE MADE THAT STATEMENT THREE TIMES.

AT APPROX. 0210 HRS, ACCESS WORKER DEL PAPA ARRIVED TO SPEAK WITH RUTH AND [redacted]. I WAS PRESENT WHEN RUTH STATED SHE WAS UPSET WITH KENNETH. KENNETH HAD STATED EARLIER IN THE EVENING HE WAS GOING OUT TO BUY CIGARETTES. HE DID NOT RETURN FOR APPROX 3 ½ HRS. RUTH WAS TIRED OF TAKING

REPORTING OFFICER ID#	DATE & TIME	DISPO	CONNECTING CASES	APPROVED BY	DATE & TIME
MACDONALD 410	3-21-99 0515	10	EX 20	#28	3-21-99

RPD 1 (1/99)

( ) CONTINUATION REPORT
(X) SUPPLEMENT REPORT

ROSEVILLE POLICE DEPARTMENT
1051 Junction Blvd. - Roseville CA 95678
CA 0310500 - (916) 774-5000

JULIAN	YEAR	RPT NUMBER
80	99	2344

COPY TO	ATTY	CAU	CPS	CSO	DA	DET	NPU	PROB	SCAT	SIU	VW	YSO	OTHER	PRESS	INDEX

CRIME/INCIDENT	CLASSIFICATION	OFFENSE CODE	DATE OCCURED	TIME OCCURED

LOCATION ADDRESS / NAME	BEAT/ RPT DIST	DATE REPORTED	TIME REPORTED

CARE OF [redacted]. RUTH WAS HER PRIMARY CARE GIVER AND WANTED TO TAKE THE EVENING FOR HERSELF. RUTH HAD CONSUMED THREE SCOTCHES DURING AN UNKNOWN PERIOD OF TIME THAT EVENING.

RUTH AND KENNETH WERE ARGUING WHEN THE CONFRONTATION BECAME PHYSICAL. RUTH WOULD NOT ELABORATE ON THE CIRCUMSTANCES OF THE ASSAULT, ONLY THAT SHE FELT IT WAS HER FAULT FOR ARGUING WITH KENNETH.

RUTH WAS 76 YRS OLD. I COULD SEE NUMEROUS CUTS AND BRUISES ALL OVER HER HANDS, FOREARMS, FACE AND LOWER LEGS. HER LEFT HAND HAD A HEMATOMA ON THE BACK OF IT THAT HAD CAUSED HER HAND TO SWELL TO THE SIZE OF A SOFTBALL. SHE HAD OPEN LACERATIONS TO HER HEAD, INCLUDING HER RIGHT TEMPLE AND EYEBROW, AND THE BACK OF HER RIGHT HAND.

WHILE DEL PAPA WAS SPEAKING TO RUTH, THE ANSWERING MACHINE CAME ON. A MALE VOICE RUTH IDENTIFIED AS KENNETH, CAME ON TO STATE HE HOPED SHE WAS HAPPY, THAT SHE HAD JUST "GOTTEN HIM 5 YEARS." HE CALLED TWO MORE TIMES. ONCE TO CALL RUTH AN "OLD DRUNKEN HAG" AND TO TELL HER SHE WAS "MAKING ALL OF [redacted] NIGHTMARES COME TRUE." RUTH TURNED OFF THE ANSWERING MACHINE.

DEL PAPA BELIEVED RUTH HAD SOBERED UP DURING MY STAY WITH HER. HE STATED HE WAS NOT GOING TO REMOVE THE CHILD FROM THE RESIDENCE ON 3-21-99. HE ALSO STATED HE WAS CONCERNED THAT RUTH COULD NOT TAKE CARE OF [redacted] CONSIDERING HER INJURIES. DEL PAPA RECOMMENDED ACCESS FOLLOW UP ON 3-22-99.

EX 20

REPORTING OFFICER ID#	DATE & TIME	DISPO	CONNECTING CASE	APPROVED BY	DATE & TIME
MACDONALD 110	3-21-99 0515	10		D. Hall #20	3-21-99

We recommend that the Attorney General's Victims' Coordinator office develop a statewide standing **Crimes Against Children Grand Jury** as an oversight body and appeals process for these often multi-agency, multi-jurisdiction custody and child protection systems problems.

1. The members of the Grand Jury would selected at random from existing county Grand Jury member pools, to serve for a term of six months.
2. The members would be selected from both urban and rural counties on a rotating basis.
3. The size of the panel would need to be determined (9 members might suffice).
4. One third of the members would rotate off every six months.
5. An ethical advisory panel would be available to train and consult with the panel:
   - members of the legal, mental health and judicial ethics committees,
   - domestic violence experts (such as Robert Geffner, PhD),
   - judicial trainers (such as Paul Chrissy),
   - legal/mental health experts (such as Mary Stroube, attorney),
   - administrative law experts (such as George Mason),
   - criminal law/child sexual abuse evidence experts (such as John E. B. Myers),
   - family and juvenile law experts, law enforcement experts (such as Rick Aromando),
   - District Attorneys who aggressively prosecute child sex abuse (e.g., Mike Reese)
   - custody evaluators (such as Phyllis Kaufman, PhD), and
   - clinical child sexual abuse experts (such as Sally Wood, PhD).
6. The Grand Jury panel's mandate would be to ensure that children are living in safe environments, in accordance with the children's informed choice and wishes.
7. The Grand Jury would be provided training regarding the damage done to children by domestic violence and child abuse.
8. The child's wishes would be determined through the child's statements made during a video-taped interview in a multi-disciplinary interview center, unless the child voluntarily states that he/she prefers to speak directly to the Grand Jury. The child would be asked where a little child would feel safest and happiest living. Age-appropriate language and necessary demonstration toys (e.g., doll houses and dolls) would be used. Pre-verbal infants would be observed by trained child development specialists and video-taped interacting with the person whom the panel determines is the safest caretaker, to ensure that the child is actually comfortable with that individual. The Grand Jury panel would be provided with the video-tapes.
9. Each Grand Jury panel member would complete a standard checklist, and issue a brief report with a compilation of the individual checklists within a week of the multi-disciplinary interview. If any of the panel members determine that a child's current placement is potentially unsafe, the child is to be immediately placed in a safe living situation chosen by the child within 24 hours of the Grand Jury's written report.
10. The report would be delivered to Child Protection Services in the county where the child resides, and would require a written response within one week.
11. The Grand Jury would have powers of indictment, and a mandate to indict any individual who is shown to have placed a child at risk.
12. A consumer advocacy system, paid by the state, would be established to assist and advocate for the child and protective parent in preparation for the Grand Jury process.
13. Consumer satisfaction surveys would be provided to everyone (including the children) during each contact with any agency or individual in the child welfare system (law enforcement, child protection systems, foster care, family court services, investigators, evaluators, attorneys, judges, etc.). Individuals and agencies would be rated. These surveys would be sent directly by the consumer to an independent citizen group for analysis. The analyzed data would be made public on a quarterly basis.

EX 26

FILED

APR 24 1991

By M. Kopodnick Deputy

See 7/8/91 Report of Dr. Wright—

Sex abuse— see 11/30/90 Report of Wright

Parents divorced

Ameasis Stories re dad + stepmom- but dad clearly named

Cont to 7/20/91 - ~~8:30~~ am. 9:00

SUPPLEMENTAL

SOCIAL WORKER'S REPORT

COUNTY OF SACRAMENTO

Report by : ULAINE HOWARD, MSW

Name of Minor: [redacted]E 5½

Court Number : 202527

Case Number : 518571-11

Hearing Date : December 5, 1990

Q. any visits

SECOND ADDENDUM TO THE COURT REPORT DATED OCTOBER 5, 1990:

The matter of [redacted], age five years, is coming before the Court on the basis of sexual molest. The Court continued this case for completion of a psychological evaluation of the minor.

On October 30, 1990 and again on November 26, 1990, [redacted] was seen by clinical psychologist, Dr. Chris Wright. A copy of the completed evaluation has been provided all counsel and the Court. Dr. Wright concludes as a result of her evaluation that "this child has been the victim of a sexual assault." In the course of this evaluation, [redacted] named her father as the perpetuator. She did not name the stepmother as a perpetrator. Dr. Wright addressed this seeming controversy as "The contradiction in her statements appear to be an inconsistency, but in fact they may indicate a vain attempt to

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name a less powerful individual following her initial disclosure of the sexual assaults." Dr. Wright further notes that "[redacted] has been emotionally traumatized by the sexual assaults and the divorce of her parents." In relation to [redacted]'s mental health, Dr. Wright states "while her ego does appear to be intact and she has an age-appropriate awareness of the difference between reality and fantasy, the boundaries are blurring as she struggles to cope with what has happened to her."

Dr. Wright also notes that "young sexual assault victims often appear to be giving conflicting testimony because they do not have a cognitive understanding of temporal relationships. In addition, they may share some information with one person while offering very little to another."

Thus, Dr. Wright recommends:

1. Continuing her investigative clinical interviews for the next sixty days;

2. [redacted] continue to have limited, supervised visits with her parents until such time that a decision is made about the sexual assault allegations;

3. Any placement recommendations must take the final results of the investigative interviews into consideration along with the findings from the psychological evaluations on the mother, father, and stepmother;

4. [redacted] continue to be seen in weekly individual therapy sessions with the focus of treatment being to provide emotional support as [redacted] remains separated from her parents.

ASSESSMENT:

The risk of sexual abuse to this child has not diminished over time. Instead, the child has remained steadfast in her allegations that her father and stepmother have sexually molested her. The psychological evaluation supports the fact that [redacted] has been molested. The psychologist feels a need for continued sessions with [redacted] to further explore the issues given [redacted] difficulty in disclosing to her the same information that she has disclosed to all previous parties. It is imperative that the evaluation remain as independent and objective as possible. The only method of ensuring that objective is for the child to remain out of home with the continued supervised visitations scheduled for both parents. Because this child has been sexually molested, it is also clear that the child is in need of Juvenile Court protection. Therefore, the undersigned recommends Dependency of the minor and a continuance of the case for disposition.

RECOMMENDED FINDINGS:

It is therefore recommended the Court find the following by clear and convincing evidence:

1. a. There is a substantial danger to the minor's physical and/or emotional health, or would be if the minor was returned home and there are no reasonable means by which said minor's physical and/or emotional health can be protected without removing the minor from the parents' physical custody;

   b. The minor has been sexually molested by her father and stepmother.

2. It was reasonable under the circumstances not to make any efforts to prevent or eliminate the need for removal of the minor from her parents' custody to wit:

   a. On September 14, 1990, the minor was placed into protective custody because she made statements to CPS Worker, Jan Norris, that she had been sexually molested by her father and her stepmother;

   b. There was a standing Order from Family Court for the father to have unsupervised visitations with the minor in his home;

   c. Molest allegations have previously been made by [redacted], had been investigated and determined to be unsubstantiated by CPS and Law Enforcement, and therefore, that issue was also dismissed in Family Court.

3. There is a continuing necessity for out of home placement and the present placement is appropriate;

4. There has been minimal progress towards alleviating or mitigating the causes necessitating placement in foster care;

5. It is possible that the minor could be returned to her mother's home within six months if the mother complies with the case plan;

6. The removal of the minor from her parents' custody is necessary because the minor has been sexually molested by her father and stepmother and there are concerns that the mother continues to have undue influence on her child and her child's statements.

The foregoing findings are based upon the following facts:

1. Since approximately November of 1989 the mother has suspected the minor of being sexually molested while in the care of her father as she has had vaginal redness for which the mother sought medical treatment;

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2. Dr. Rachel Weinreb treated the minor for the vaginal redness and determined in her opinion the child had been washed too hard in her vaginal area and talked about this with both the stepmother and the father;

3. In a series of sessions with her therapist, Cathi Messner, [redacted] has disclosed vaginal fondling and digital penetration of herself by both her father and her stepmother;

4. On October 23, 1990, [redacted] successfully completed a SCAN examination at the UC Davis Medical Center in which the nurse practitioner, Lisa Ashley, found physical findings consistent with sexual molest;

5. On October 23, 1990, [redacted] informed the SCAN Social Worker, Bernadette Martinez-Muggy, that she had been sexually molested by her father and stepmother. Specifically, that they had both touched her vagina and their fingers had been put inside of her;

6. [redacted] has stated to CPS Worker, Jan Norris, Sacramento Sheriff's Officer Crandford, Badge number 34, and the undersigned that she has been sexually molested by her father and stepmother;

7. Dr. Miller evaluated all three parents and determined the mother, Shelly Garcia, to have a paranoid personality disorder in addition to her manic depression and described her as being at a risk for abuse of [redacted], however, he knows that there is no evidence to indicate this at this time;

8. [redacted] was evaluated by Dr. Chris Wright and the result of that evaluation is that [redacted] is a sexual assault victim. Again, she named her father as a perpetrator.

RECOMMENDATIONS:

Therefore, should the Petition be sustained, it is respectfully recommended that:

1. [redacted] be adjudged a Dependent Child of the Sacramento County Juvenile Court;

2. Said minor remain as placed at the Sacramento Children's Receiving Home pending final jurisdiction and disposition;

3. The cost of said placement to be paid by the parents at a rate to be determined by the County Department of Social Services;

4. Disposition be continued to allow for completion of the clinical interviews by Dr. Chris Wright for purposes of further investigation and clarification of the allegations, for a period of sixty days.

DATED: December 4, 1990

Respectfully submitted,

DENNIS B. HART
WELFARE DIRECTOR

APPROVED:

Maryanne Lynch

MARYANNE LYNCH, LCSW
Social Services Supervisor II

Ulaine Howard (ow2)

ULAINE HOWARD, MSW
Juvenile Court Investigator

UH:vb

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FILED

APR 24 1991

By M. Szpadowski Deputy

SUPPLEMENTAL

SOCIAL WORKER'S REPORT

COUNTY OF SACRAMENTO

Report by : ULAINE HOWARD, MSW

Name of Minor: [redacted]
Court Number : 202527
Case Number : 518571-11

Hearing Date : February 20, 1991

SECOND ADDENDUM TO THE COURT REPORT DATED OCTOBER 5, 1990:

The matter of [redacted], age five years, is coming before the Court on the basis of sexual molest. At the previous hearing of December 5, 1990, the Court continued this case to allow for completion of a psychological evaluation by Dr. Chris Wright of [redacted].

On February 13, 1991, Dr. Wright provided her Report to the Court. A copy of that report has been provided the Court and all counsel. The mother has replaced her attorney, Scott Harmon, with attorney, Steve Wessels.

Dr. Wright's report states clearly [redacted] is a sexual molest victim with her father being the perpetrator. Dr. Wright's evaluation had been partly continued to address the specific issue of whether the mother had molested [redacted]

In the psychological evaluation completed by Dr. Jeffrey Miller he noted that Ms. [redacted] family history and personality dynamics placed her at a high risk for the abuse and molestation of [redacted]. He also noted there was no evidence at that point that she had ever mistreated [redacted]. A copy of his report was provided Dr. Wright.

As a result of her evaluation, Dr. Wright recommends placement with the mother and temporary suspension of the father's visitation pending legal disposition. She notes in her report that "[redacted] relationship with her father is an important part of her life. Of major concern is that she feels safe and secure in interacting with him." She further recommends group psychotherapy for [redacted]. She recommends that that be transitioned by her current therapist, Cathi Messner.

The undersigned has spoken with the mother regarding her plans if [redacted] is returned to her home. The mother intends to return [redacted] to school and have the maternal aunt, Denise Shepler, provide day-care. The mother has also arranged her work schedule so that she will only work a four day week having one day off. This will allow her more time with [redacted].

As a result, the undersigned interviewed Denise Shepler and found her able and willing to comply with Court Orders and to provide day-care for [redacted]. She is also amenable to any Social Worker visiting [redacted] in her home if necessary. Based on identifying information that Ms. Shepler provided, a record search was submitted. There is no arrest record for Mrs. Shepler. Her home was clean and appeared adequate for child care for [redacted]

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On January 31, 1991, the undersigned spoke with the father, [redacted], by telephone. Mr. [redacted] had called to inform the undersigned that the criminal case against him had been dismissed by the Sheriff's Department. He requested to speak with the psychologist, Dr. Chris Wright. That request was denied. He continued to maintain his innocence regarding the allegations stating that "a five year old is not the most reliable source" of information. He was reminded that the criminal case and the Juvenile Court case are two separate matters. He was further reminded that it would be in his best interest to begin counseling. As he had said in the past, Mr. [redacted] reiterated that "I don't need counseling" but that the mother and [redacted] do. He also again expressed his dislike for [redacted] current therapist, Cathi Messner.

Mr. [redacted] has had weekly supervised visits with his daughter. Those visits have been described as being appropriate. Mr. [redacted] brings various games to play with [redacted].

CONCLUSIONS:

As a result of the psychological evaluation it appears clear that [redacted] has been molested by her father. She has made consistent statements to this effect to Law Enforcement, her therapist, the undersigned, the CPS Worker, and the psychologist, Chris Wright. In addition, a SCAN was completed which had physical findings consistent with sexual molest. Again, [redacted] was interviewed by the Social Worker at the SCAN clinic and she again named her father as the perpetrator.

The undersigned respectfully recommends that [redacted] be returned to her mother under a program of Dependent Court

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supervision. It is believed that Dependent Supervision will assist the mother in improving her parenting skills and protecting [redacted]. Ms. [redacted] has already successfully completed a program of parenting classes through the American Red Cross. A referral to Family Unity will also be initiated. They will provide in-home parenting and counseling for the mother with [redacted] on a weekly basis. The mother will continue to see her therapist, Dr. Jeffrey Leib, and [redacted] will continue to see her therapist, Cathi Messner. In addition, appropriate group therapy will be pursued for [redacted].

Susp visitn b/c Pat-denial

It is further recommended that the visits for the father be temporarily suspended. While it is true that Mr. [redacted] has had regular contact and that [redacted] appears to enjoy her time with him, it is also true that Mr. [redacted] has refused to participate in any appropriate services over the past five and one-half months that this case has been before the Juvenile Court. It has been suggested to him on several occasions that he initiate counseling and on each occasion he has replied that he does not need counseling. Whether Mr. [redacted] admits the allegations, it is believed that counseling would be in his best interest to assist him in addressing the molest issue. The allegations that [redacted] has made will affect his relationship with [redacted] for the rest of her life. Once Mr. [redacted] has enrolled in counseling, his therapist in conjunction with [redacted] therapist, can made recommendations regarding re-initiation of visitation for [redacted] with him.

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RECOMMENDED FINDINGS:

It is recommended that the minor, [redacted], is in need of Juvenile Court protection, and that there be limitations of control by the minor's mother. The foregoing findings are based upon the following facts:

1. [redacted] has disclosed ~~vaginal fondling and digital penetration~~ sexual abuse of herself to her therapist, Cathi Messner, by her father, [redacted];

2. On October 23, 1990, [redacted] completed a SCAN examination at the UC Davis Medical Center which found physical findings consistent with sexual molest;

3. On October 23, 1990, [redacted] informed the SCAN Social Worker, Bernadette Martinez-Muggy, that she had been sexually molested by her father ~~and stepmother. Specifically they have both touched her vagina and their fingers had~~ his been put ~~inside of her;~~ he has

4. [redacted] has stated to CPS Worker, Jan Norris, Sacramento Sheriff's Officer Cranford, Badge number 34, and the undersigned that she has been sexually molested by her father ~~and stepmother;~~

5. Dr. Miller evaluated all three parents and determined the mother, [redacted], to have a paranoid personality disorder in addition to her manic-depression and described her as being at a risk for abuse of [redacted], however, he knows of no evidence to indicate this;

6. [redacted] was evaluated by Dr. Chris Wright who has determined that Christie was a sexual molest victim of her father. OK

OK DO NOT STRIKE.

It is further recommended the Court inform the parent(s) of the provisions of Section 366.26 of the Welfare and Institutions Code and specify that their parental rights may be terminated permanently if they are not able to resume custody within twelve months.

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Adoption is not an appropriate plan at this time as reunification is being recommended.

SERVICE PLAN:

Conditions necessary to allow the minor, [redacted], [redacted], to remain in the care and custody of her mother under Dependent Court supervision should include the following:

1. The mother continue in treatment with her psychiatrist, Dr. Jeffrey Leib;

2. [redacted] continue in counseling with her therapist, Cathi Messner;

3. [redacted] participate in group therapy as arranged by the Social Worker;

4. [redacted] have supervised contact with the maternal grandfather;

5. The mother meet all medical/counseling appointments for [redacted] and herself;

6. The mother cooperate with the supervising Social Worker;

7. ~~Temporary suspension of contact for [redacted] with her father pending his participation in counseling and a positive recommendation by both his and [redacted] therapists that visits resume.~~ → Supd. Visitation with Father on terms described below.

REUNIFICATION/CASE PLAN: 8. <See Conduct #6 of Mother>

Reunification of the minor, [redacted], with her father and/or stepmother should be contingent upon the following:

1. The father and stepmother participate in professional counseling to address and resolve the issues of child sexual molestation, child protection, parental responsibilities and priorities, and any other issues deemed relevant by the therapist;

2. The father and stepmother participate in age-appropriate parenting classes to which he is referred by the Social Worker;

3. The father and stepmother fully cooperate with the supervising Social Worker;

until May 27, 1991, at which time supervised visits may be held at discretion of SW.

4. The father have no contact with [redacted] ~~pending his initiation of counseling and a positive recommendation by his and [redacted]'s therapists for Mr. [redacted] to resume visits.~~ Father demonstrate & participate in couple therapy evidence that child is not sexually abused by minor children

RECOMMENDATIONS:

Therefore, should the Petition be sustained, it is respectfully recommended that:

1. [redacted] be adjudged a Dependent Child of the Sacramento County Juvenile Court;

2. Said minor be placed in the care and custody of her mother, [redacted], under a program of Dependent Court supervision under the supervision of the Department of Social Services;

3. The mother participate in professional counseling to address and resolve the issues of child sexual molestation, child protection, and any other issues deemed relevant by the therapist;

4. [redacted] participate in professional counseling, both individual and group, to address her own sexual molestation, self-esteem, and any other issues deemed appropriate;

5. The father participate in professional individual counseling to address and resolve the issues of child sexual molestation, child protection, parental responsibilities and priorities, and any other issues deemed relevant by the therapist;

6. ~~The father's contact with [redacted] be temporarily suspended pending his enrollment in counseling and his therapist and [redacted]'s therapist's recommendation that their visits be resumed;~~

7. The father participate in age-appropriate parenting classes to which he is referred by the Social Worker;

5. Father demonstrate that he has an ongoing, satisfactory sexual relationship w/ stepmother. Father articulate to the Social worker the long-range emotional & behavioral affects of sexual abuse on minor girls, ~~for a Dependent Child~~ Step

9. Father to avoid any visual contact with ~~the~~ [redacted] ~~&~~ during Parents United meetings.

8. NAPR on May 24 re Father's attendance - 7 - in counselling and whether supervised visits should not occur as ordered.

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8. Subsequent Review be set on the calendar for ~~August 19, 1991~~, Oct 21, 1991, in Department Three.

DATED: February 19, 1991

Respectfully submitted,

DENNIS B. HART
WELFARE DIRECTOR

APPROVED:

Maryanne Lynch (DR)
MARYANNE LYNCH, LCSW
Social Services Supervisor II

Ulaine Howard (DR)
ULAINE HOWARD, MSW
Juvenile Court Investigator

UH:vb

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FILED

MAY 2 1991

SUPPLEMENTAL

SOCIAL WORKER'S REPORT

COUNTY OF SACRAMENTO

Report by : ULAINE HOWARD, MSW

Name of Minor: [redacted]
Court Number : 202527
Case Number : 518571 (11)

Hearing Date : May 24, 1991

NONAPPEARANCE PROGRESS REPORT SCHEDULED FOR MAY 24, 1991:

[redacted] was adjudged a Dependent Child of the Sacramento County Juvenile Court on the basis of an Original 300 (b) and (d) Petition alleging sexual molest by her father on April 24, 1991. At that Hearing the Court ordered this Nonappearance Progress Report to address the possibility of initiating visits for the father with [redacted].

On May 15, 1991, the undersigned spoke with Mr. [redacted] counselor, Marsha Nohl. Ms. Nohl is currently providing both individual and group therapy for Mr. [redacted] through the Parent's United Treatment Program. Ms. Nohl stated that [redacted] counselors at Parent's United have no doubt that [redacted] is a molest victim. She does not believe that Mr. [redacted] is yet ready to have visits with his daughter. She believes that Mr. [redacted] needs to be able to be empathetic

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5X28

regarding his daughter's feelings as a molest victim. She believes that in working with him therapeutically, he may be able to achieve that goal in approximately two months. She also believes that it might be best to reinitiate contact between the father and daughter via conjoint therapy rather than a supervised visitation setting. She stated that she would be able to provide therapy for the father and daughter conjointly with Cathi Messner, LCSW (child's therapist). She also stated that often times conjoint therapy is provided solely by the child's private therapist.

Ms. Nohl stated that Mr. [redacted] currently attends two groups weekly: The Offender and the Orientation Groups. These groups last from 6:00 to 9:00 P.M. every Thursday evening. In addition, Mr. [redacted] is in individual counseling on a one hour weekly basis.

On May 20, 1991, the undersigned spoke with [redacted] private therapist Cathi Messner. Ms. Messner agrees that [redacted] is not yet ready for visits with her father. She believes that conjoint therapy might very well be the best way to reinitiate contact. She believes realistically that it might take at least six months before [redacted] and Mr. [redacted] are able to have their visits. However, she is willing to work with Parent's United to achieve conjoint therapy contact within a reasonable time frame. She stated currently [redacted] is attending counseling regularly but that she is "closed down about the molest" as well as about "scary topics." She believes that this is possibly due to the fact that [redacted] is discussing these issues in her group therapy.

On May 13, 1991, the undersigned spoke with the mother. Ms. [redacted] requests she be able to transfer from Parents United to Child and Family Institute (CFI). She has concerns that her group leaders have limited experience in molest issues as well as she found [redacted] on one occasion in the parking lot unsupervised with the other children after her group session. CFI willl only accept Ms. [redacted] as a client if [redacted] is also a client.

Ms. [redacted] has demonstrated her willingness to participate in counseling throughout the history of this case. She initiated and regularly attended counseling for herself and [redacted] prior to this matter coming before the Juvenile Court. She has also demonstrated her ability to effectively utilize counseling. Thus, the undersigned told Ms. [redacted] to place herself on CFI's waiting list. The undersigned believes it reasonable to allow Ms. [redacted] and [redacted] to change to CFI.

Ms. [redacted] has also obtained new employment at the State Office of Cal Spill Prevention and Response. She is a management analyst for that agency.

RECOMMENDATIONS:

It appears that both the counselor for the child and the counselor for the father believe that at this time neither party is ready to resume visitation. The father's therapist does not believe that he is able to be empathetic to his daughter and what has occurred to her and therefore it would be confusing to the child to resume visits. Ms. Messner does not feel that Mr. [redacted] has yet been in counseling long enough to be empathetic as well and that is it crucial for successful visitation and

Ms. Messner stated that [redacted] does not ask to see her grandmother in therapy and she believes possibly [redacted] insistence in seeing her grandmother was one way that she was dealing with her separation anxieties from her father. Ms. Messner has been in contact with the Parent's United Therapist. Ms. Messner also believes that the father needs to be able to support [redacted] prior to initiating visits. Although she is willing to provide conjoint therapy, she is uncertain whether this would work best for the father as he already has negative feelings towards her. She believed she could provide therapy conjointly with Marsha Nohl for [redacted] and her father. Also, she stated that possibly [redacted] group therapist could provide such counseling. She stated it would be inappropriate for the father's therapist to provide this therapy.

Ms. Messner stated that her current focus of treatment with [redacted] is regarding nightmares that [redacted] has. Apparently, she often asks if her father is going to be able to come and get her and be able to hurt her, etc. Ms. Messner believes that [redacted] is still in the transitional stage of trying to decide if she can trust her mother and if her mother can protect her now that she is back home.

Ms. Messner stated that if the mother and [redacted] shift therapy from the Parent's United Organization to the Child and Family Institute organization that would probably work well for [redacted]. She is unable to assess any bonding that [redacted] may have with her current group therapist because [redacted] does not talk about group therapy at all with her. She believes, however, the fact that [redacted] does not talk about group therapy is an indicator of it's importance to [redacted].

jurisdiction today?

MR. McDONOUGH: Just briefly, Your Honor. There is one part of me that strongly agrees with the Department's position in this case and the trust that the mother has lost and it should be terminated, but then on the other hand, and I have spoken to Miss Nichols quite a bit about this, and there is no question that [redacted] wants to see her mother and wants to visit with her mother. And that's probably in the child's best interest, no matter what happens here, but we get into the situation that if it is terminated here, I believe your concern about the Family Law Court is well-founded.

I practiced down there to some extent and the few times where there has been a conflict between what's been going on out here and down there, some of the judges down there -- it is very difficult for them to realize what goes on out here and the work that goes in out here; and I can see a Family Law Court judge getting this case, if it's terminated here, and saying with the mother in court, "Oh, my God. They have given the child back to the molester father," and not looking at any other -- anything else. I have had that happen on another -- at least one case a couple years ago and we went round and round for a long time.

So, I think your concern there is very warranted. And that likewise would be my concern, but I believe that the mother has lost a lot of trust with the Court, and how much time this Court gives her, I don't think -- I think that is something we should address. Should it be an additional six months or give her another year to try to get things worked

successful reunification that he be able to do that with his daughter. The undersigned believes that visitation should resume for the child when it is deemed beneficial for the child and will promote reunification for the family.

Therefore, the undersigned respectfully recommends that visitation for the father continue to be suspended until he has been in counseling for a reasonable period of time and his counselor has been able to assess his ability to be empathetic to his child. He has only been in counseling for approximately three weeks which has not provided him enough time. The undersigned believes that it would be appropriate for a Ninety Day Nonappearance Progress Report to have the Social Worker assess the possibility of initiating conjoint therapy at that time. It appears that therapeutically this would be the best setting in which to reinitiate contact for the child with her father and would be the most safe emotionally for her as well.

Therefore, the undersigned respectfully recommends the following:

1. Visitation for the father with [redacted] continue to be suspended;

2. A Ninety Day Nonappearance Progress Report be scheduled to assess the possibility of initiating conjoint therapy at that time as a means of recontact for the father and child;

Report Calls for Reform Of State's Family Courts

By Tom Nadeau
Special to The Daily Recorder

Angry veterans of child-custody battles packed a Capitol news conference Monday and called for closer scrutiny of the state's family law courts.

"Judges, lawyers and [child custody] evaluators have to be made accountable," said Karen Winner, who presented an 81-page report on family courts in Sacramento that alleged evidence of a "pattern of professionals breaching professional ethics."

Winner described herself as a New York investigative reporter who has focused on divorce court reform for a decade. Her report, "Placing Children at Risk: Questionable Psychologists and Therapists in the Sacramento Family Court and Surrounding Counties," was commissioned by California Protective Parents Association, an ad hoc group in Sacramento.

Winner compiled a similar report on the Marin County family court, alleging that judges and family law practitioners there "put power, profit and self-interest over the welfare and safety of children and litigants." The report is fueling a recall cam-

See REPORT, *page 6*

Report

Continued from page 1

paign against Marin Superior Court Judges Michael Dufficy, Lynn Duryee and Terrence Boren.

In Sacramento, the news conference evolved into an open forum as speakers accused judges of falling asleep during divorce hearings, appointing the same coterie of family lawyers over and over and repeatedly selecting the same child-custody evaluators to make crucial reports on who gets the kids.

Winner charged that these evaluators often cite a disputed concept called parental alienation syndrome, in which one parent allegedly seeks to alienate the affections of the child from the other parent. The parent accused of alienating the child often has a disadvantage in a subsequent custody battle.

She also accused several Sacramento psychologists and therapists of engaging in improper practices. They included psychologist Sidney K. Nelson, who she claimed had turned in "misleading" reports that led courts to poor custody decisions.

In a telephone interview, Nelson responded that Winner's description was "an unfair characterization."

Parental alienation syndrome is controversial in the medical and psychology communities, Nelson admitted. However, the dispute revolves around how prevalent parental alienation syndrome is, he said.

Winner also said some Sacramento family law judges were essentially conceding their decision-making responsibilities to the evaluators.

"It is apparently routine in Sacramento County for judges to rubber-stamp decisions based on whatever recommendation the evaluator makes," Winner wrote.

Her report did not accuse any specific Sacramento judge of wrongdoing and, when asked, she declined to do so.

Aggrieved attendees, of whom there were around 40, demanded greater oversight of family law judges, lawyers and psychological evaluators and the creation of a statewide "crimes against children grand jury."

The state is "in bad need of reform," said Melissa Knight-Fine, director of the Legislative Coalition to Prevent Child Abuse, based in El Dorado Hills.

At the news conference, the coalition presented Assemblyman Martin Gallegos, D-Baldwin Park, with an award for his legislative work.

Two bills addressing family law have been introduced in the state Legislature, she said.

Assembly Bill 1724, authored by Gallegos, would create multidisciplinary teams to interview children involved in such allegations, Knight-Fine said. The teams would include prosecutors, law enforcement officials, medical experts and social workers, Knight-Fine said.

And Senate Bill 1716, carried by Deborah Ortiz, D-Sacramento, would set mandatory psychological standards for evaluating children who allegedly have been sexually abused.

presented the so-called McNaughtan es, which have been so central to the lemic/juridical insanity debate for the century and a half.

The crux of the once infamous but surlingly resilient McNaughtan Rules is a successful insanity plea must prove the defendant suffered a defect of reaso as not to know the nature and qualof his act, or if he did, that he does not ow that what he did was wrong. The le in the crux is the madman who murs an innocent victim under the insane lusion (a) that the victim is attempting kill him, or (b) the victim has stolen his operty. In the first case, McNaughtan lls for acquittal; in the second for conction. But in either case the defendant is ad for starters.

The cutting edge of U.S. law was aped in the curious corner of New Hampire. Under the influence of its Supreme ourt, the notion of mental disease as the y to exculpatory insanity grew stronger d stronger. This approach peaked in the cisions of federal judge David Bazelon, thor of the *Durham* rule, which states at "an accused is not criminally responble if his unlawful act was the product mental disease or mental defect." As obinson observes, the defect of *Durham* lodged in the fact that "every alcoholic, ug addict, compulsive gambler, bigot, olitical radical, and prostitute might edibly claim that his or her foibles and fenses were based upon a 'mental defect' one sort or another." Indeed, under *Durham*, it might well be that the white-collar riminal of Wall Street is the only fit inabitant of our prison system.

Durham also exacerbated the tendency reduce the criminal question of insanity an essentially medical matter, with everncreasing reliance placed upon expert edical testimony. But an expert opinion n be found pointing in any direction, and make matters worse, recent amendments the Federal Rules of Evidence lower the arriers to qualifying a witness as an expert. uries are now treated to contradictory medal opinions from experts to be interpreted the light of legal instructions from the nch that probably not even the experts mfortably comprehend.

Wild Beasts concludes on an exhilarating ramble through a remarkable array of resent-day jurisprudential conundrums evolving around insanity, without any omprehensive solution to the problems ointed at. These problems raise profound uestions—even though, as Robinson more han once suggests, the insanity defense itelf remains a matter of marginal practical importance. Not only is it infrequently attempted; it is much less frequently successful. More important still, the defense is, or should be, irrelevant to most of the central notions of penal incarceration. Society will require reasonable protection from those who threaten its important interests, whether they be sane or not. And a self-serving just society will look to the "cure" of those who commit wrongs, whatever their mental health. Cynically, were it the case that all murders were prevented by the state itself murdering those who murder, it scarcely matters whether or not the state-murdered murderers be mad. It is really only when the criminal processes are used to punish that a sense of decency demands that the insane be treated differently, but punishment is the weakest of the reeds on which our penology is built.

That the insanity defense has captured the imagination of generations of first-year law students, and held the interest of many of the lawyers those students became, finally has less to do with criminal law than with the fact that all of us, no less than our ancestors, resonate sympathetically to the notion of a god or a devil embodied in our midst. The awful mystery of madness illumines (if not very clearly) the terrifying fragility of our cultures and the omnipresent nearness of the wild beasts and idle humors that give Robinson his title and the rest of us the willies. ■

Fighting the Law

LEORA TANENBAUM

DIVORCED FROM JUSTICE: The Abuse of Women and Children by Divorce Lawyers and Judges. By Karen Winner. Regan Books. 329 pp. $24.

STILL UNEQUAL: The Shameful Truth About Women and Justice in America. By Lorraine Dusky. Crown. 452 pp. $27.50.

It was so cold last winter that I saw a lawyer with his hands in his own pockets. How can you tell when a lawyer is lying? His lips are moving.

Everyone appreciates a good lawyer joke. But women won't be laughing at these two fine exposés of lawyerly behavior. According to Karen Winner, women are routinely abused financially by divorce attorneys. To Lorraine Dusky, the law at large—from schools to firms to courts—is prejudiced against women. Both books, meticulously argued, are filled with horror stories of ordinary women who got screwed by the legal system.

Winner, a former policy analyst at the New York City Department of Consumer Affairs, reports, "Lawyers in the industry of divorce court use the woman's divorce as an opportunity to enrich themselves at her expense." Their "true intent" is "to financially exploit the client." *Divorced From Justice* picks up where Lenore Weitzman's *The Divorce Revolution* (which showed that the standard of living for newly divorced women plummets while it rises for men) and Phyllis Chesler's *Mothers on Trial* (which disclosed that fathers win custody in 70 percent of the contested cases, even when they are abusive or absentee parents) left off.

Every woman who is married or plans to be should be given a copy of this book. Every woman—even if she's independently wealthy, even if she has a well-paying job—is vulnerable because many divorce lawyers think nothing of draining a client's personal life savings. When women do not control the family assets and are financially dependent, they are especially powerless. Even the best, most well-respected divorce lawyer, according to Winner, may be greedy and scheming—and that's just referring to the lawyer who represents the woman. The opposing lawyer has a half-dozen of his own tricks, many perfectly legal, to wear her down to accept an unfair settlement.

First you pay your lawyer a retainer, which can range from $500 to more than $25,000. Then, in court,

> you may have to defend your fitness as a mother, even though you were never questioned about your fitness before the divorce began. You could be challenged to prove you were loyal to your husband, when he was actually the one who deserted the family. Lawyers call this the "adversarial legal system."... In the meantime, you are still without your di-

Leora Tanenbaum writes about gender issues for Ms. *and other magazines. She lives in New York City.*

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vorce and your lawyer's bill has doubled, then tripled, and quadrupled... You don't know what services you are actually paying for, and your lawyer has never fully explained [them].... You don't realize it yet, but like many other divorcing women you are on the verge of losing your middle-class status.

Some judges don't require a husband to disclose fully his assets, although a wife is legally entitled to the information. In many states she may be forced to sell the family house to pay her legal fees, even if she and her children become homeless. If she refuses to pay, her lawyer is allowed to hold her files hostage. When Winner asked a prominent Wisconsin divorce attorney if women should have to choose between paying their lawyers and putting food on the table for their children, he responded, "Nobody has to starve. That's what welfare is for."

Men are victims of the divorce business too, of course, but despite their own hefty lawyer fees they tend to be able to get on with their lives. Statistics show that the standard of living drops an average of 30 percent for newly divorced women and 37 percent for mothers and children, but that it rises 10 to 15 percent for ex-husbands. Such a discrepancy may seem farfetched—just look at all the suited and briefcased women darting off to work at 8 A.M. and flooding the gourmet delis at lunch hour. Surely if these women (unlike, say, their housewife counterparts) were faced with a divorce, they would be able to support themselves and their children just fine, right? Not exactly. The median contribution of all wives to family income is a mere 36 percent, according to the Census Bureau. Only 60 percent of married women are in the labor force, and 30 percent of those work part-time. Once they must support themselves and their children, they're in trouble.

If marital assets were distributed so that the lesser-earning partner were awarded more, inequities would be smoothed out. That's how divorces proceeded until the seventies and eighties, but with a large number of women working outside the home, the old system was deemed outdated and now every state has adopted some form of no-fault divorce provisions. These laws, eliminating alimony, have been devastating for most women.

Mothers have it the worst. Many had chosen (or felt pressured) to work part time because it allowed them to be active parents while their husbands worked long hours. Now they are punished for their parenting. No-fault laws essentially force them to battle their husbands in court to get their rightful share—ironic, since the laws were also supposed to make divorce easier. In court, many husbands are encouraged by lawyers to use children as bargaining chips.

Winner goes too far when she says that mothers nearly always deserve custody because they have a stronger bond with their children than fathers do. But her point about the double standard in custody cases remains valid: Mothers who work outside the home are frowned upon by judges, who generally award custody to their husbands—who work outside the home.

When Winner worked for the Department of Consumer Affairs, she wrote a report cataloguing many of the deceptions related here. She also suggested policy reforms adopted in 1993 by New York's Chief Judge, Judith Kaye. Winner created the "Bill of Rights for Divorce Clients," which says among other things that the client has a right to know how many attorneys will work on the case; all New York divorce lawyers are now required to hand out this document.

These reforms are an important step, as is the concrete advice Winner offers to divorcing women. But because no independent agency monitors lawyer abuse, the system remains closed and tightly guarded. Besides, most of the actions described by Winner aren't illegal; they are unethical. For lawyers, this is a big distinction.

What's the difference between lawyers and vultures? Lawyers get frequent-flier miles.

"To its very core," Lorraine Dusky writes in *Still Unequal*, "the legal system in this country is biased against women." Dusky's book is an essential, exhausting read because each of its 452 pages contains sickening information about how little progress feminism has achieved in the legal arena. Dusky investigated every grimy corner of the system and followed the footsteps of hundreds of female lawyers and law students. She discovered textbooks in which all the women represented are either gold-diggers and connivers or wives and mothers; cases of sexual harassment by law school professors and partners in law firms hushed up by the men running the institutions; female attorneys who flee firms within five years because of callous working conditions; black women lawyers mistaken for court reporters; and judges who say that they like to "watch women's tits" during oral arguments.

As Dusky points out, "the law intersects with nearly every aspect of our lives: sex, marriage, reproduction, education, employ-

ment, relations with our bosses and coworkers and even our families." A sexist legal system leads to gender bias in cases of divorce, custody, domestic violence and sexual assault. To Dusky, the system is corrupt in large part because of the way law is taught. Students learn "the ability to dissect a legal problem as if they were cutting apart a frog in high school biology class, with no point of view holding more weight than the other.... Thinking like a lawyer means learning how to argue both sides of the question with nary a thought to the moral, political or economic issues involved." Thinking like a lawyer makes it difficult to overturn old patterns of behavior. Although women today compose 43 percent of law students, the atmosphere in the schools is not much different from thirty years ago, when they were 4 percent. Students interviewed by Dusky complain about classmates who yell about "feminazis" and "man-hating lesbians" whenever a feminist argument is made, contract and property casebooks that concentrate solely on commercial arrangements and ignore family disputes and reproductive rights, and criminal law classes in which rape is taught only from the defendant's point of view.

This dismissiveness toward women is reflected in an incident at Harvard in the early nineties. Mary Joe Frug, a prominent and controversial feminist legal thinker who taught at the New England School of Law, was knifed to death in what Boston detectives believe may have been sexual assault. At the time of her murder, she had been writing a feminist legal manifesto in which she stated that "women get 'fucked' in the workplace." The article was posthumously published in the *Harvard Law Review* in 1992. A few weeks later, the law review's annual parody issue, the *Revue*, published "a cruel, sordid satire of Frug's manifesto" mocking her ideas as well as her sexuality and identifying her as "Mary Doe, Rigor-Mortis Professor of Law." Outraged students called for an official school response. The dean of the law school failed to reprimand the satirists, and nine campus organizations called for his resignation. Faculty member Alan Dershowitz stated that "the overreaction to the spoof is a reflection of the power of women and blacks to define the content of what is politically correct and incorrect on college and law school campuses."

If a female graduate goes on to a private law firm, she soon discovers that it's nearly impossible to balance family and career. "The structure and conditions of the large law firm were designed by and for men who have stay-at-home wives," Dusky explains. "These wives make sure the man's shirts are back from the laundry, they help their husbands pack for business trips, they may have a meal waiting in the microwave when they get home at ten P.M." (These are the women most hurt by divorce.) On the whole, women lawyers postpone, or never have, children: 62 percent of California's female lawyers are childless.

Only 13 to 14 percent of partners of the largest law firms are women, increasing at a rate of just 1 percent a year—and senior women are often unhelpful. "The women who have succeeded here," a New York lawyer with young twins revealed, "don't have the typical problems of juggling kids at home.... Their attitude is, 'I blazed the trail for you, so now why are you having kids?'" Forget about male mentors. A senior associate at Stroock & Stroock & Lavan in New York told Dusky, "You hear everything from constant jokes about body parts to asking me if I would jump out of a cake at some guy's birthday party to patting my ass.... Or the comment that 'I give great codicil.'" The comment was made by a senior partner in front of the summer associates.

Dusky concludes her chilling tour with a helpful reminder:

> And remember, if you get raped in Pennsylvania, it's best to end up badly bruised, or a guilty verdict against your rapist might be overturned. And don't forget, if you've been raped in Seattle, do not tell the investigator that you had been raped earlier by a doctor. Some lawyers will tell the judge that obviously this means you aren't a credible witness.... And remember in Delaware, if you've had sex with the guy in the last twelve months, it's not as serious a crime.

Why don't sharks eat lawyers? Professional courtesy. ■

All Things Underwritten

ERNEST LARSEN

PUBLIC RADIO AND TELEVISION IN AMERICA: A Political History.
By Ralph Engelman. Sage. 342 pp. $24.95.

True, my late grandfather fit the profile of the classic crank like a glove (investments in defunct gold mines, chinchilla farm in the garage), but he sure wasn't the only American of his generation to curse out President Herbert ("Chicken in Every Pot") Hoover as "that rat bastard" who should take the rap for starting the Great Depression. Now that I've read about Hoover's stint as Secretary of Commerce in the twenties I appreciate my grandpa's political savvy. As Ralph Engelman, who teaches journalism at Long Island University, points out, it was Hoover who made the crucial and "paradoxical ruling that commercial radio served the general public whereas noncommercial broadcasters represented special interests." Hoover's topsy-turvy but canny business-first ruling set in stone the broadcasting pattern we're still stuck with. Effectively naturalized was a truly twisted definition of what counts as "public," a marginalization both ludicrous and disastrous, since the public sphere has become virtually synonymous with the media. Largely as a result of the Hooverian twist, Engelman performs the nearly gymnastic feat of writing a double history of public media, drawing a line in the sand "between *federal* and *community* forms of public radio and television, with the former rooted in the Public Broadcasting Act of 1967, the latter in more decentralized and participatory practices."

Because the state was happy to squelch the public's many voices, it was left to the liberal paternalists and social engineers of the Ford Foundation and the Carnegie Commission to join hands and orchestrate the rise of public broadcasting. The rise and the shape, that is, so that once the Public Broadcasting Act was passed, public TV and public radio, in the guise of PBS and NPR, both reflected—and continue to reflect—the limits of their upbringing by their aristocratic parents, the foundations. Despite their sniffy if admirable attachment to Kulcha with a capital K, the Brahmins at PBS buckled at the first squawk from the yahoos. During the initial PBS season in 1970, a Nixon Administration flap following the airing of a documentary on bank

Ernest Larsen recently completed a detective novel. He also writes and co-produces political videotapes.

3. All previous orders not in conflict with these remain in full force and effect.

DATED: May 22, 1991

Respectfully submitted,

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